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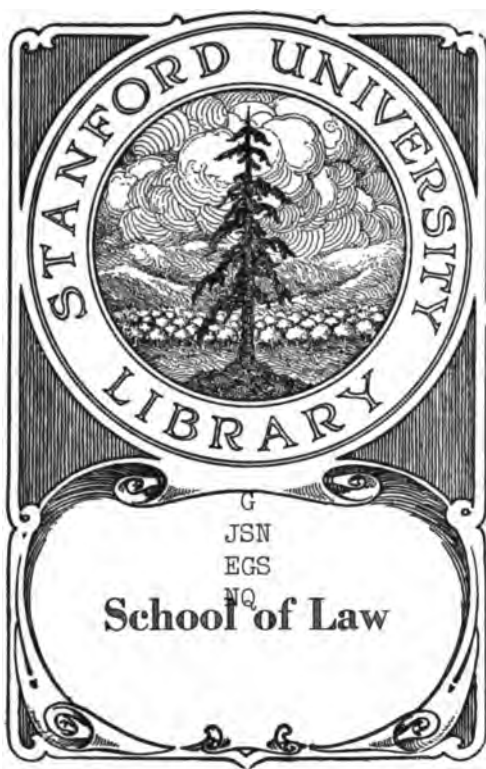
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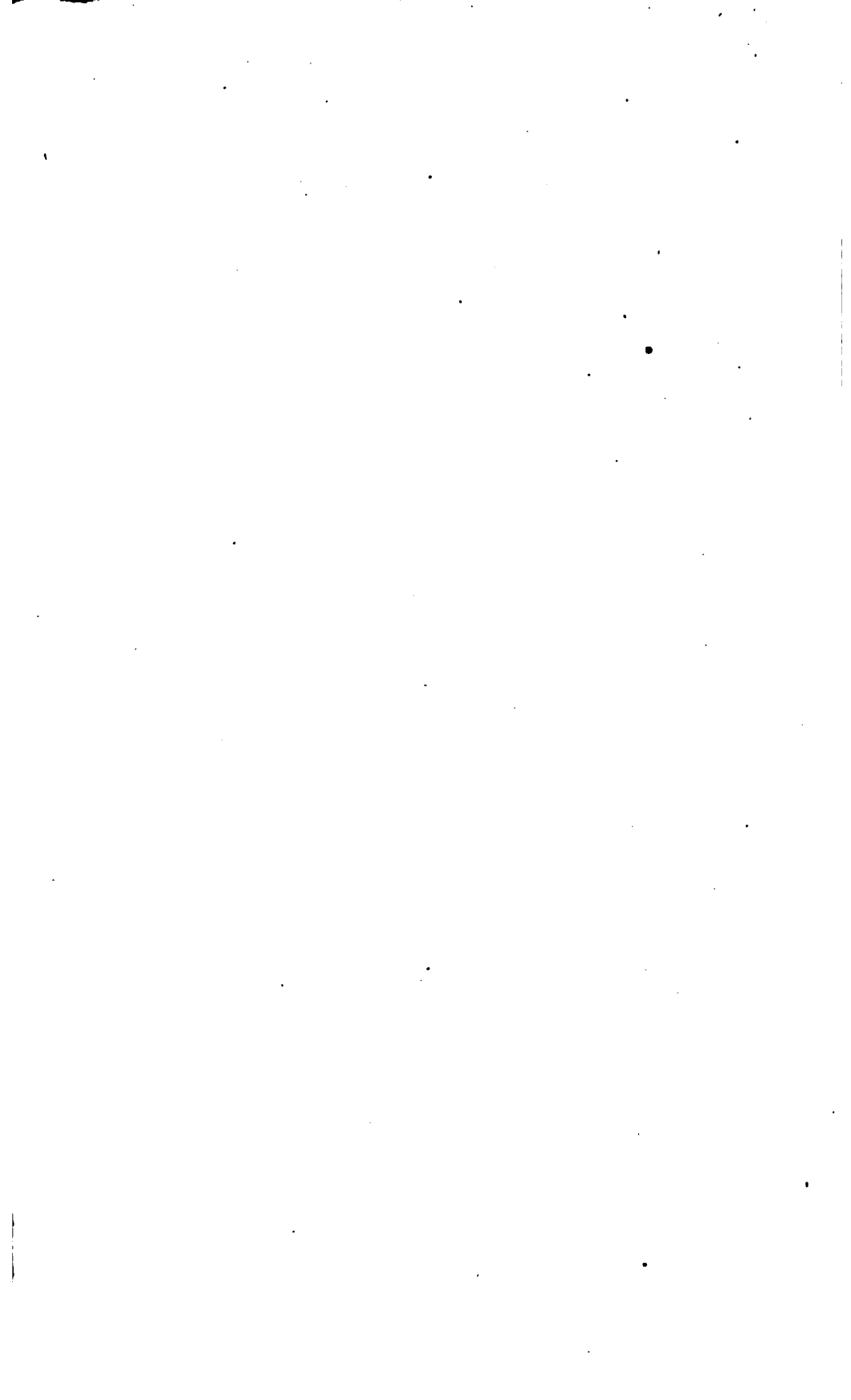
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A

COLLECTION

OF THE

PUBLIC GENERAL STATUTES

PASSED IN THE

THIRD AND FOURTH YEAR

OF THE REIGN OF HIS MAJESTY

KING WILLIAM THE FOURTH,

1833.



LONDON:

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1833.

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THE
PUBLIC GENERAL STATUTES,

3 WILLIAM IV.

CAP. I.

An Act to apply certain Sums to the Service of the
Year One thousand eight hundred and thirty-three.

[29th March 1833.]

‘ Most Gracious Sovereign,

‘ **W**E, Your Majesty’s most dutiful and loyal Subjects, the
‘ Commons of the United Kingdom of *Great Britain* and
‘ *Ireland*, in Parliament assembled, towards making good the
‘ Supply which we have cheerfully granted to Your Majesty in
‘ this Session of Parliament, have resolved to grant unto Your Ma-
‘ jesty the Sums herein-after mentioned;’ and do therefore most
humbly beseech Your Majesty that it may be enacted; and be it
enacted by the King’s most Excellent Majesty, by and with the
Advice and Consent of the Lords Spiritual and Temporal, and
Commons, in this present Parliament assembled, and by the Author-
ity of the same, That there shall and may be issued and applied,
for or towards making good the Supply granted to His Majesty
for the Service of the Year One thousand eight hundred and thirty-
three, the Sum of Three Millions, a Part of the Sum now remaining
in the Exchequer, or remaining to be received on the Eleventh Day
of *February* One thousand eight hundred and thirty-three, to com-
plete the Aids granted by Parliament for the Service of the Year
One thousand eight hundred and thirty-two; and also any Sum or
Sums of Money which may have been or which may be paid into
the Exchequer before the Fifth Day of *April* One thousand eight
hundred and thirty-four in respect of Exchequer Bills issued pur-
suant to Two Acts of the Fifty-seventh Year of the Reign of His
late Majesty King *George* the Third, and of the First and Second
Years of the Reign of His present Majesty, for authorizing the
Issue of Exchequer Bills for carrying on Public Works and Fisheries
in the United Kingdom; and also the Balance now in the Exche-
quer, or which may be paid into the same by the Governor and
Company of the Bank of *England* on or before the Fifth Day of
April One thousand eight hundred and thirty-four, pursuant to
an Act passed in the Fifty-sixth Year of the Reign of His late
Majesty King *George* the Third, intituled *An Act to authorize the
advancing, for the Public Service, a Proportion of the Balance that
shall remain from Time to Time in the Bank of England for the
Payment of Dividends on account of the Public Debt, for Lottery
Prizes or Benefits not claimed, and Principals of Stock and Annuities*
[No 1. Price 2d.]

There shall be
applied, for the
Service of the
Year 1833,
3,000,000*l.*
now in the
Exchequer;

any Sums paid
into the Ex-
chequer in re-
spect of Ex-
chequer Bills
issued for Public
Works;

any Balance
paid in by the
Bank of Eng-
land pursuant to
56 G. 3. c. 97;

and 60,000*l.* to
be paid by the
East India
Company.

remaining unclaimed; provided that if at any Time the said Balance shall be reduced to a less Sum than One hundred thousand Pounds, then so much of the Monies advanced by the said Governor and Company shall be repaid to them as shall be equal to the Sum by which the said Balance shall be less than the Sum of One hundred thousand Pounds; and also the Sum of Sixty thousand Pounds to be paid into the Exchequer by the United Company of Merchants of *England* trading to the *East Indies*, towards the Expence of Retiring Pay, Pensions, and Allowances to His Majesty's Forces serving in *India*, in pursuance of an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth; and the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, now or for the Time being, or any Three or more of them, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland* for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

CAP. II.

An Act for raising the Sum of Twelve Millions by Exchequer Bills, for the Service of the Year One thousand eight hundred and thirty-three. [29th March 1833.]

‘ Most Gracious Sovereign,

‘ **W**E, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards raising the necessary Supplies which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to give and grant unto Your Majesty the Sum herein-after mentioned;’ and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* at any Time or Times to cause or direct any Number of Exchequer Bills to be made out at the Receipt of the Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole the Sum of Twelve Millions, in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are prescribed in an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for regulating the Issue and paying off of Exchequer Bills*.

The Treasury
may raise
12,000,000*l.*
by Exchequer
Bills, in like
Manner as is
prescribed by
48 G. 3. c. 1.

The Clauses,
&c. in recited
Act extended
to this Act.

II. And be it further enacted, That all and every the Clauses, Provisoos, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said Acts shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if the said several Clauses or Provisoos had been particularly repeated and re-enacted in the Body of this Act.

Treasury to
apply the Money
issued.

III. And be it further enacted, That it shall be lawful for the said Commissioners of the Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills

Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

IV. And be it further enacted, That the Principal Sum or Sums of Money to be contained in such Exchequer Bills shall be and are hereby charged and chargeable upon and shall be paid and discharged by and out of the first Supplies to be granted in the next Session of Parliament.

Bills to be payable out of Supplies of the next Session.

V. And be it further enacted, That the Exchequer Bills to be made out in pursuance of this Act shall bear Date on the Days on which the same shall be respectively issued, and shall and may bear an Interest not exceeding the Rate of Three-pence Halfpenny *per Centum per Diem* upon or in respect of the whole of the Monies respectively contained therein, payable out of any Aids or Supplies in the Receipt of His Majesty's Exchequer at *Westminster*.

Interest on Exchequer Bills.

VI. And be it further enacted, That all and every the Exchequer Bills to be made forth by virtue of this Act, or so many of them as shall from Time to Time remain undischarged and uncanceled, shall and may, from and after the Fifth Day of *April* One thousand eight hundred and thirty-four, be received and taken and shall pass and be current to all and every the Receivers and Collectors in *Great Britain* of the Customs, Excise, or any Revenue, Supply, Aid, or Tax whatsoever, already granted, due, or payable, or which shall or may hereafter be granted, due, or payable, to His Majesty, His Heirs and Successors, and also at the Receipt of the said Exchequer, from the said Receivers or Collectors, or from any other Person or Persons, Bodies Politic or Corporate whatsoever, making any Payment there to His Majesty, His Heirs and Successors, for or upon any Account, Cause, or Occasion whatsoever, according to the Purport and true Meaning of this Act, and that such of the same Bills as shall be received at the said Exchequer shall and may be locked up and secured as Cash, according to the Course of the said Exchequer settled and established by Law for locking up and securing Monies received in Specie there.

Bills to be current at the Exchequer after April 5, 1834.

VII. And be it declared and further enacted, That it shall and may be lawful for the Governor and Company of the Bank of *England* to advance or lend to His Majesty, upon the Credit of the Exchequer Bills to be made out in pursuance of this Act, any Sum or Sums of Money not exceeding in the whole the Sum of Twelve Millions, any thing in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against France*, or in any subsequent Act, to the contrary thereof in anywise notwithstanding.

Bank of England may advance 12,000,000*l.* on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

CAP. III.

An Act for continuing to His Majesty until the Fifth Day of *April* One thousand eight hundred and thirty-four certain Duties on Sugar imported into the United Kingdom, and for One Year certain Duties on Personal Estates, Offices, and Pensions in *England*, for the Service of the Year One thousand eight hundred and thirty-three. [29th March 1833.]

‘ Most Gracious Sovereign,

‘ **W**E, Your Majesty’s most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, towards raising the necessary Supplies to defray Your Majesty’s public Expences, have freely and voluntarily resolved to give and grant unto Your Majesty the Duties herein-after mentioned;’ and therefore do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Duties imposed on Sugar and Molasses, and the Bounties allowed thereon, by an Act passed in the First Year of the Reign of His present Majesty, intituled *An Act for granting to His Majesty, until the Fifth Day of April One thousand eight hundred and thirty-one, certain Duties on Sugar imported into the United Kingdom for the Service of the Year One thousand eight hundred and thirty, and which have by several subsequent Acts been further continued until the Fifth Day of April One thousand eight hundred and thirty-three, shall be and the same are hereby further continued until the Fifth Day of April One thousand eight hundred and thirty-four.*

Duties on Sugar and Molasses imposed by 1 W. 4. c. 50. continued until April 1834.

Powers of recited Act extended to this Act.

II. And be it further enacted, That the several Powers, Provisions, Matters, and Things contained in the said recited Act shall be extended to this Act, and the Duties and Bounties hereby continued, in as full and ample a Manner as if the same had been repeated and re-enacted in this Act, and made Part thereof.

III. ‘ And whereas by an Act passed in the Thirty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for making perpetual, subject to Redemption and Purchase in the Manner therein stated, the several Sums of Money now charged in Great Britain as a Land Tax for One Year from the Twenty-fifth Day of March One thousand seven hundred and ninety-eight, the several and respective Sums of Money charged by virtue of an Act of the same Session of Parliament, intituled An Act for granting an Aid to His Majesty by a Land Tax to be raised in Great Britain, for the Service of the Year One thousand seven hundred and ninety-eight, on any Manors, Messuages, Lands, Tenements, or Hereditaments in Great Britain, are, after the Twenty-fifth Day of March One thousand seven hundred and ninety-nine, continued and made perpetual, with a Provision that the several Sums of Money charged upon Estates in ready Money, Debts, Goods, Wares, Merchandize, or Personal Estates, or upon any Person or Persons in respect of any Public Office or Employment*

38 G. 3. c. 60.

38 G. 3. c. 5.

ployment of Profit, or any Salaries, Gratuities, Bounty Monies, Rewards, Fees, Profits, Perquisites, Advantages, Pensions, Annuities, Stipends, or yearly Payments in the said Act mentioned, should, after the Twenty-fifth Day of *March* One thousand seven hundred and ninety-nine, be ascertained, raised, levied, collected, and paid according to the Directions of any Act or Acts to be passed for that Purpose: And whereas the Sums of Money and Duties last mentioned have been from Time to Time continued by divers Acts of Parliament, and are now in force until the Twenty-fifth Day of *March* One thousand eight hundred and thirty-three; be it further enacted, That the several and respective Sums of Money and Duties which shall have been or shall be charged upon Estates in ready Money, Debts, Goods, Wares, Merchandize, Chattels, or other Personal Estate, by virtue of the said Act passed in the Thirty-eighth Year of the Reign of His said Majesty, for granting an Aid to His Majesty by a Land Tax, and also the several Sums of Money and Duties which by virtue of the said recited Act, passed in the Thirty-eighth Year of the Reign of His said Majesty, for granting an Aid to His Majesty by a Land Tax, were charged in respect of any Public Offices or Employments, or any Annuities, Pensions, Stipends, or other annual Payments, and which have been continued and are in force until the Twenty-fifth Day of *March* One thousand eight hundred and thirty-three, shall be continued, and raised, levied, collected, and paid unto His present Majesty within the Space of One Year from the said Twenty-fifth Day of *March* One thousand eight hundred and thirty-three.

The Duties charged upon Personal Estates, Offices, and Pensions, by recited Acts, further continued.

IV. And be it further enacted, That the several Powers and Provisions contained in an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for continuing to His Majesty for One Year certain Duties on Personal Estates, Offices, and Pensions in England; and also for granting certain Duties on Sugar imported; for the Service of the Year One thousand eight hundred and twenty-five*, for the ascertaining, assessing, taxing, regulating, paying, and accounting for the Duties on Personal Estates, Offices, and Pensions, shall extend and be construed to extend to the Duties on Personal Estates, Offices, and Pensions hereby granted and continued, except where other Provisions are made by this Act; and that the several Powers and Provisions in the said Act contained, which relate or refer to any Day or Time within or during or before or after the Year commencing from the Twenty-fifth Day of *March* One thousand eight hundred and twenty-five, shall extend and be construed to relate to the like Days and Times within or during or before or after the Year commencing from the Twenty-fifth Day of *March* One thousand eight hundred and thirty-three, in like Manner as by the said recited Act is directed with reference to the Year One thousand eight hundred and twenty-five, and as if the several Powers and Provisions in the said recited Act contained were repeated and re-enacted in this present Act.

The several Clauses of 6 G. 4. c. 9. for ascertaining and regulating the Duties extended to this Act.

V. Provided always, and be it further enacted, That no Assessment shall be made by any Commissioner or Commissioners, Assessor or Assessors of the Land Tax, or otherwise, for or in respect of the Duties hereby granted, or for or in respect of the several Duties of

No Assessment shall be made in respect of the Duties on Pensions, &c. payable out of

the Public Revenue, but such Duties shall be charged as heretofore, and Monies applicable to the Payment of the Pensions shall be paid less by the Amount of such Duties.

Proviso for Salaries payable in part only out of the Public Revenue.

One Shilling and of Sixpence in the Pound respectively charged and payable to His Majesty under the several Acts in force on Annuities, Pensions, Stipends, Salaries, Wages, Allowances, or other yearly Payments whatever, where the same are payable out of the Public Revenue of the Receipt of the Exchequer or elsewhere in *Great Britain* by any Officer or Officers; but that all and every such Annuities, Pensions, Stipends, Salaries, Wages, Allowances, or other yearly Payments shall and are hereby declared to be charged and assessed to the said Duties respectively to the same annual Amount as heretofore rated, charged, or assessed under any Act or Acts; and all Monies applicable to the Payment of such Annuities, Pensions, Stipends, Salaries, Wages, Allowances, or other yearly Payments shall be issued, paid, and discharged less by the Amount of the said Duties to all Intents as if the same were continued to be charged by annual Assessment, and hereby authorized to be stopped and deducted as Duties payable to His Majesty, any thing in this Act or any former Act or Acts contained to the contrary notwithstanding: Provided also, that where any Officer who shall be in receipt of any such Annuity, Pension, Stipend, Salary, Wages, Allowance, or other yearly Payment payable at the Exchequer or elsewhere in *Great Britain*, out of the Public Revenue as aforesaid, shall also be in receipt of Perquisites, Fees, Gratuities, Wages, Allowances, or other Profits not so payable, but which are chargeable with the said Duties, it shall be lawful for the Lords Commissioners of the Treasury to authorize such last-mentioned Duties, unless otherwise paid, to be stopped or detained from the Amount of the Salary or other yearly Payment made to any such Officer; and it shall and may be lawful for the said Commissioners of the Treasury, or any Three or more of them, by any Warrant under their Hands, whenever they shall deem the same advisable, to authorize and direct that the Amount of any Annuity, Pension, Stipend, Salary, Wages, Allowances, or other yearly Payments whatever, payable out of the Public Revenue in any Branch or Department thereof, and chargeable with any of the said Duties, shall be reduced and paid short by the Amount of the Assessment or Assessments of any of such Duties respectively, as if such Assessments were actually made; and every such Warrant shall be received in discharge of any such Assessment, and as a full Authority for reducing the said annual Payments and paying the same short as aforesaid.

A Register to be kept of all Money paid into the Exchequer for the Duties hereby granted.

VI. And be it further enacted, That there shall be provided and kept in the Office of the Auditor of the Receipt of His Majesty's Exchequer at *Westminster* One Book of Register, in which all the Money that shall be paid into the said Exchequer for the said Rates and Duties hereby granted or continued on Personal Estates, and on Offices and Employments of Profit, Pensions, Annuities, and Stipends, shall be entered and registered apart and distinct from all other Monies paid and payable to His Majesty, and shall be carried to the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*.

Monies paid into the Exchequer under this Act shall be entered separate from other Payments,

VII. And be it further enacted, That there shall be provided and kept in the Office of the Auditor of the Receipt of His Majesty's Exchequer at *Westminster* One Book of Register, in which all the Money that shall be paid into the said Exchequer from so much of the said Rates and Duties hereby granted on Sugar as shall arise and

and be payable in *Great Britain* shall be entered and registered apart and distinct from all other Monies paid and payable to His Majesty; and it shall be lawful for the Commissioners of the Treasury of the United Kingdom of *Great Britain* and *Ireland* to issue and apply the same from Time to Time to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament; and so much of the said Duties on Sugar as shall arise and be payable in *Ireland* shall be paid into the Receipt of the Exchequer there, and shall be carried to the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

VIII. And be it further enacted, That it shall be lawful for the said Commissioners of His Majesty's Treasury, at any Time or Times when they shall think fit so to do, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of the Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole, including any Sum or Sums of Money issued towards the Aids or Supplies in pursuance of this Act, the Sum of Three Millions, in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are directed and prescribed in and by an Act passed in the Forty-eighth Year of the Reign of His late Majesty King George the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*.

The Treasury may direct Exchequer Bills to be made out not exceeding 3,000,000*l*.

48 G. 3. c. 1.

IX. And be it further enacted, That all and every the Clauses, Provisoos, Powers, Privileges, Advantages, Penalties, [Forfeitures, and Disabilities contained in the said recited Act passed in the Forty-eighth Year of the Reign of His said late Majesty shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act as fully and effectually, to all Intents and Purposes, as if the said several Clauses or Provisoos had been particularly repeated and re-enacted in the Body of this Act.

Powers of 48 G. 3. c. 1. extended to this Act.

X. And be it further enacted, That the Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Four Pounds *per Centum per Annum* upon or in respect of the whole of the Monies respectively contained therein.

Exchequer Bills to bear an Interest.

XI. And be it declared and enacted, That it shall be lawful for the Governor and Company of the Bank of *England* to advance or lend to His Majesty, at the Receipt of the Exchequer at *Westminster*, upon the Credit of the Exchequer Bills authorized by this Act, any Sum or Sums of Money not exceeding in the whole the Sum of Three Millions; any thing in an Act made in the Fifth and Sixth Years of the Reign of King William and Queen Mary, intituled *An Act for granting to Their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against France, or in any subsequent Act, to the contrary thereof in anywise notwithstanding*.

Bank of England may advance Money on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

XII. And be it further enacted, That it shall be lawful for the said Commissioners of the Treasury, and they are hereby authorized and empowered, to cause such Bills as shall be prepared by virtue of

Bills to be placed as Cash in the Exchequer;

of

of this Act to be placed as so much Cash in the respective Offices of the Tellers of the said Receipt of Exchequer; each and every of which Tellers shall be severally charged with a Proportion of the said Bills which shall be so placed in his Office respectively, any Law or Usage to the contrary notwithstanding.

and to be issuable
thereout in com-
mon with other
Monies.

XIII. And be it further enacted, That the said Exchequer Bills in the Hands of the said Tellers shall be locked up and secured as Cash according to the Course of the Exchequer at *Westminster*, and shall be taken and esteemed as so much in part of the Remains in real Money wherewith each of the said Tellers shall from Time to Time stand charged, in common with other the Monies in the said Exchequer, any Law or Usage to the contrary notwithstanding; and it shall be lawful for the said Commissioners of the Treasury to issue and apply the same from Time to Time to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain and Ireland* in this present Session of Parliament.

Exchequer Bills
to be charged
on the Duties
granted by this
Act.

XIV. Provided always, and be it further enacted, That the Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become due thereon, and the Charges of exchanging and circulating the same, shall be and the same are hereby made chargeable and charged upon the Rates, Duties, and Assessments on Sugar granted by this Act; and it shall be lawful for the said Commissioners of the Treasury and they are hereby authorized from Time to Time to direct to be issued to the said Paymasters, by way of Imprest and upon Account, such Sums of Money and at such Periods as the said Commissioners shall think necessary for or towards paying off and discharging the Exchequer Bills which shall have been made forth by virtue of this Act, or any of them, and for and towards paying the Interest to become due on the said Bills, and for and towards the Charge of exchanging and circulating the same Bills or any of them.

Account of Ex-
chequer Bills
to be taken.

XV. And be it further enacted, That on the Fifth Day of *July* One thousand eight hundred and thirty-four, or within Ten Days after, the said Commissioners of the Treasury shall cause a true and perfect Account in Writing to be taken and attested by the proper Officers of the Amount of all Exchequer Bills that shall have been issued by virtue of this Act, and how much thereof shall before that Time have been paid off or discharged, and how much thereof shall then remain undischarged.

Money due on
Exchequer Bills
to be paid out of
the next Aids.

XVI. And be it further enacted, That the Monies so remaining unsatisfied or not discharged, with the Interest due or to grow due thereon, and the Charges of exchanging and circulating the same, shall be paid and satisfied out of the next Aid or Aids to be granted in Parliament after the said Fifth Day of *July* One thousand eight hundred and thirty-four.

Surplus Monies
to be carried to
Consolidated
Fund.

XVII. And be it further enacted, That the Surplus of the Monies arising from the Rates, Duties, and Assessments on Sugar granted and imposed by this Act, after paying off and satisfying all the Exchequer Bills issued by virtue of this Act, together with the Interest that may become due thereon, and the Charges of exchanging and circulating the same, shall, as a Surplus of any such Monies respectively shall be paid into the Receipt of the Exchequer

Exchequer at *Westminster*, be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

XVIII. And be it enacted, That it shall and may be lawful for the Commissioners of His Majesty's Treasury or any Three or more of them for the Time being, and they are hereby authorized and empowered, to pay and allow or cause to be paid and allowed, out of the Monies to arise of or from the said Rates and Duties on Sugar hereby granted, or of or from the said Consolidated Fund from Time to Time, the necessary Charges of making forth the Exchequer Bills hereby authorized to be made forth, and such other Charges as shall be necessarily incident in or for the Execution of this Act, or any Part thereof, in relation to the said Bills; any thing herein contained to the contrary notwithstanding.

The Treasury to allow the necessary Charges of making forth new Exchequer Bills;

XIX. Provided always, and be it enacted, That whatever Monies shall be issued out of the said Consolidated Fund shall from Time to Time be replaced by and out of the first Supplies to be thereafter granted by Parliament; any thing herein contained to the contrary notwithstanding.

Money issued to be replaced out of the first Supplies.

XX. And be it enacted, That this Act may be altered, amended, or repealed by any Act or Acts to be passed in this present Session of Parliament.

Act may be altered this Session.

CAP. IV.

An Act for the more effectual Suppression of local Disturbances and dangerous Associations in *Ireland*.

[2d April 1833.]

‘WHEREAS there is now prevalent in certain Parts of *Ireland* a dangerous Conspiracy against the Rights of Property and the Administration of the Laws, which has been manifested, as well by open and daring Outrages against the Persons and Property of His Majesty's peaceable Subjects, as by tumultuous Movements of large Bodies of evil-disposed Persons, who have, by their Numbers and Violence, created such general Alarm and Intimidation as materially to impede the due Course of public Justice, and to frustrate the ordinary Modes of Criminal Prosecution: And whereas divers Meetings and Assemblies, inconsistent with the public Peace and Safety, and with the Exercise of regular Government, have for some Time past been held in *Ireland*: And whereas the Laws now in force in that Part of the United Kingdom have been found inadequate to the prompt and effectual Suppression of the said Mischiefs, and the Interposition of Parliament is necessary for the Purpose of checking the further Progress of the same;’ be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, at any Time after the passing of this Act, and from Time to Time during the Continuance thereof, as Occasion may require, by his or their Order in Writing, of which public Notice shall be given, to prohibit or suppress the meeting of any Association,

Assembly,

Lord Lieutenant may, by Order, prohibit or suppress any Meeting deemed by him to be dangerous to the public Safety.

Meetings so prohibited shall be unlawful, and, after Notice given, every Person present guilty of Misdemeanor.

Assembly, or Body of Persons in *Ireland*, which he or they shall deem to be dangerous to the public Peace or Safety, or inconsistent with the due Administration of the Law, and by the same or any other Order also to prohibit every or any adjourned, renewed, or otherwise continued Meeting of the same, or of any Part thereof, under any Name, Pretext, Shift, or Device whatsoever; and that every Meeting of any Association, Assembly, or Body of Persons, the meeting whereof shall be so prohibited or suppressed as aforesaid, and every postponed, adjourned, renewed, or otherwise continued Meeting thereof, under any Name, Pretext, Shift, or Device whatsoever, shall be and be deemed an unlawful Assembly, and after Notice has been given of such Meeting having been prohibited or suppressed as aforesaid, every Person present at the same shall be deemed guilty of a Misdemeanor, and every such Offence, whether committed within any District proclaimed in pursuance of this Act, or elsewhere in *Ireland*, shall be tried and punished according to the Course of the Common Law.

Two Justices may enter by Force any Place where a prohibited Assembly is held, and read a Notice to the Persons to disperse.

II. And be it enacted, That any Two or more Justices of the Peace shall and may proceed, with such Assistance as shall be necessary, to any House, Room, or Place whatever, where any such Justices shall have good Reason to believe, from Information on Oath, that any Association, Assembly, or Meeting of Persons, whereof the meeting shall have been so prohibited, is held, and shall and may, in case they shall be refused Admission, enter therein by Force; and One of the said Justices, or some other Person by his Order, shall then and there notify the Order prohibiting the Meeting of such Association, Assembly, or Body of Persons, and read or repeat aloud to the Persons so assembled a Command or Notice to disperse, in the Words or to the Effect following; (that is to say,)

Notice.

‘OUR Sovereign Lord the King chargeth and commandeth all Persons being assembled immediately to disperse and peaceably to depart, upon the Pains contained in the Act made in the Third Year of the Reign of King *William* the Fourth, for the more effectual Suppression of local Disturbances and dangerous Associations in *Ireland*.’

Persons not dispersing within a Quarter of an Hour deemed guilty of a Misdemeanor, and may be apprehended then or afterwards.

And in case any of the Persons so met or assembled together shall not disperse and depart within the Space of One Quarter of an Hour from the Time of such Notice or Command being given, they shall respectively be deemed guilty of a Misdemeanor, and it shall be lawful for the same or any Two of the same Justices of the Peace then present to cause the Person or Persons so refusing or neglecting to disperse or depart to be apprehended and brought before them, or in case such Person or Persons cannot then be apprehended, such Person or Persons may be afterwards apprehended by a Warrant for that Purpose to be granted by any Justice of the Peace within whose Jurisdiction such unlawful Association, Assembly, or Meeting shall have been held, and such Offender or Offenders shall thereupon be proceeded against for such Offence according to the Course of the Common Law.

Persons prosecuted by Indictment to plead forthwith.

III. And be it enacted, That where any Person shall be prosecuted by Indictment for any Misdemeanor committed against any of the Provisions of this Act, such Person shall plead to such Indictment forthwith, so that the Trial thereof may not be delayed

or postponed to any subsequent Term or Session of the Court in which such Trial is to take place.

IV. And be it enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, with the Advice of His Majesty's Privy Council in *Ireland*, at any Time after the passing of this Act, and from Time to Time during the Continuance thereof, as Occasion may require, to issue his or their Proclamation declaring any County, County of a City, or County of a Town in *Ireland*, or any Portion thereof respectively, to be in such a State of Disturbance and Insubordination as to require the Application of the Provisions of this Act; and such County, County of a City, or County of a Town, or any Portion thereof respectively, shall, from the Publication of such Proclamation as herein-after mentioned, be deemed and taken to be a proclaimed District within the Meaning of this Act: Provided always, that it shall not be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to apply the Provisions of this Act to any County or District merely because Tithes shall not have been paid in such County or District.

The Lord Lieutenant may issue his Proclamation declaring any County, &c. to be so disturbed as to require the Application of this Law; and such County shall be deemed a proclaimed District.

V. And be it enacted, That every such Proclamation shall warn the Inhabitants of every such County, County of a City, County of a Town, or Part thereof, as shall be so proclaimed, to abstain from all seditious and other unlawful Assemblies, Processions, Confederacies, Meetings, and Associations, and to be and remain within their respective Habitations at all Hours between Sunset and Sunrise from and after such Day as shall be named therein for that Purpose.

Such Proclamation shall warn the Inhabitants to abstain from unlawful Assemblies, &c.

VI. And be it enacted, That every County, County of a City, County of a Town, or Part thereof respectively, so proclaimed, shall be considered to all Intents and Purposes as a proclaimed District within this Act from the Day after that on which such Proclamation shall be published within such proclaimed District, by affixing a Copy thereof on some conspicuous Place in each Barony within the District, if the same be a County at large or Part of such County, or on some conspicuous Place within a County of a City or County of a Town within such District, if the same be a County of a City or County of a Town, or any Part thereof, as the Case may be.

Every County, &c. so proclaimed shall be a District within the Act from the publishing of the Proclamation therein.

VII. And be it enacted, That when any such Proclamation shall have been issued, all Justices, Constables, Peace Officers, and others to whom the Execution of the Process of Law may properly belong, and also all Commissioned Officers commanding His Majesty's Regular Forces in *Ireland* or any Part thereof, shall and each of them is hereby required and enjoined to take the most effectual Measures according to Law for suppressing insurrectionary and other Disturbances and Outrages in any Part of *Ireland* which may be specified in such Proclamation respectively, and to search for, arrest, and detain for Trial under this Act every Person who shall be charged upon Oath with any Offence which by the Provisions of this Act may be cognizable by or before any Court herein-after empowered and authorized to try such Offence.

All Justices, Constables, &c. and all Commissioned Officers in *Ireland*, required to suppress Disturbances in proclaimed Districts;

and to search for and bring to Trial Offenders.

VIII. And be it enacted, That the Production of the *Dublin Gazette*, containing the Publication of any Proclamation or Order under this Act, shall in all Proceedings, Civil and Criminal, be received

Dublin Gazette to be Evidence of the issuing of any Proclama-

the Provisions of this Act, for the Trial of such Persons charged with Offences committed within such District as any of such Courts Martial shall be directed, by any Warrant or Order of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* or other Officer duly authorized by him or them as aforesaid, to try.

Courts Martial so constituted to consist of not less than Five nor more than Nine, and to have all the Powers of Courts Martial and of Courts of Oyer and Terminer.

XIV. And be it further enacted, That such Courts Martial so constituted and appointed shall consist of any Number of Officers of His Majesty's Regular Forces, not less than Five nor exceeding Nine, and shall have all Powers and Authorities incident to any Courts Martial, and also every Power, Right, Jurisdiction, and Authority by Law appertaining to any Court of Oyer and Terminer, Gaol Delivery, or Sessions of the Peace, as far as such Power, Right, Jurisdiction, and Authority may be applicable to the Proceedings of such Courts Martial, which Proceedings shall be conducted according to the Manner of proceeding used by Courts Martial holden under the Provisions of the Act now in force for punishing Mutiny and Desertion, unless in so far as otherwise directed by this Act; and that every such Court shall be an open Court, without Prejudice however to the Right of such Court from Time to Time to clear the Hall or Room where the same shall be held, for the Purposes of Deliberation and Determination: Provided always, that no Finding of Acquittal given by any such Court Martial shall be liable to Revision by the same or any other Court; and provided also, that no Officer shall be appointed to serve on any such Court Martial to be convened under this Act who shall not have attained the Rank of Captain in His Majesty's Army, or who shall at or within One Month of the Time of holding such Court Martial be or have been in the Performance of Regimental Duty within such proclaimed District; and provided also, that no Officer below the Rank of a Field Officer shall be the President of such Court Martial: Provided also, that on Trials before such Courts Martial it shall be lawful for the Parties, their Counsel and Attornies, to examine and cross-examine the Witnesses, and to take Notes of the Proceedings for the Purposes of such Trials, as in Courts of Law: Provided also, that all Prosecutions before such Courts Martial shall be conducted by a Person or Persons to be thereunto duly authorized by the Lord Lieutenant or other Chief Governor or Governors of *Ireland*.

Courts to be open Courts.

No Finding of Acquittal shall be liable to Revision.

Limitation as to Officers serving on Courts.

Examination of Witnesses.

Prosecutions to be conducted by Persons authorized.

Number of Members necessary to concur in Decisions in such Courts.

XV. Provided always, and be it further enacted, That whenever the said Court Martial shall consist of Nine Members, then the Concurrence of at least Seven Members of the said Court shall be required, and shall be sufficient to give Validity and Effect to the Decision and Acts of such Court; and that whenever the said Courts shall consist of any Number of Members less than Nine, then the Concurrence of at least Five Members of the said Court shall be required, and shall be sufficient to give Validity and Effect to the Decisions and Acts of such Court.

A Serjeant at Law or Barrister of Five Years standing to act as Judge Advocate at such Courts.

XVI. And be it enacted, That the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall nominate and appoint One of His Majesty's Serjeants at Law, or a Barrister at Law of not less than Five Years standing, to act at every such Court Martial; and such Serjeant or Barrister shall be and be deemed to be a Judge Advocate at and for the Purposes of such Court Martial, and shall have all the Powers and Authorities, and

perform all the Duties and Functions, which any Judge Advocate may or ought, in case of any Court Martial, to possess, execute, and discharge.

XVII. And be it enacted, That the Persons so constituted and appointed Members of such Courts Martial shall, instead of any Oath or Oaths now usually taken by Members of Courts Martial, take the Oath following; (that is to say,) Oath to be taken by Members of the Court.

‘ I *A. B.* do swear, That I will well and truly try and determine the Matter before me according to the Evidence; that I will faithfully, impartially, and justly exercise all Powers and Authorities conferred upon me by an Act passed in the Third Year of the Reign of King *William* the Fourth, intituled [*here set forth the Title of this Act*]; that I will not divulge the Sentence of the Court until it shall be approved by the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or by some Person duly authorized by him or them; and that I will not upon any account at any Time whatsoever disclose or discover the Vote or Opinion of any particular Member of the Court Martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court Martial in a due Course of Law.

So help me GOD.’

And so soon as the said Oath shall have been administered to the respective Members of the said Court by the Person by this Act authorized to act as Judge Advocate, and which Oath the said Person so authorized is hereby empowered to administer, then the President of the said Court is hereby authorized and required to administer to the Person so appointed to act as Judge Advocate as aforesaid an Oath in the following Words; (that is to say,)

‘ I do swear, That I will faithfully, impartially, and justly exercise all Powers and Authorities conferred upon me by an Act passed in the Third Year of the Reign of King *William* the Fourth, intituled [*here set forth the Title of this Act*]; and that I will not upon any account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court Martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court Martial in a due Course of Law.

Oath of Person acting as Judge Advocate.

So help me GOD.’

XVIII. And be it further enacted, That the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or any Officer duly authorized by him or them as aforesaid, is and are hereby empowered to order that every Person charged with any of the Offences by this Act made cognizable by such Court Martial may be, and such Persons shall be, summarily tried by and before such Court Martial; and the Sentence of such Court Martial, when duly confirmed by the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or by any Officer by him or them authorized to convene such Court Martial and to confirm the Sentences of such Court Martial, shall be carried into execution, and shall have the like Effect as if the Trial of such Offences had been had before and the Sentences had been passed by any Court of Oyer and Terminer or General Gaol Delivery, or Sessions of the Peace: Provided always, that no Forfeiture of Goods or Chattels shall ensue upon any Conviction had before any such Court Martial as aforesaid under this Act, nor shall any Sentence of Transportation

Lord Lieutenant, &c. may order Persons charged with Offences by this Act made cognizable by Courts Martial to be tried before them.

In certain Cases Sentences shall be confirmed by the Lord Lieutenant before

they are carried into effect.

Lord Lieutenant, &c. may issue Orders for bringing before the Court Persons charged with Offences, or for carrying into effect their Sentences.

Courts Martial may compel the Attendance of Witnesses;

and commit in case of Refusal to give Evidence.

Any Person liable to be prosecuted within any proclaimed District for any Offence against 27 G. 3. c. 15. (1.), 50 G. 3. c. 102., 1 & 2 W. 4. c. 44., or 2 & 3 W. 4. c. 118., or with any Offence against this Act, may be tried by such Courts Martial.

by such Court Martial be carried into effect, unless confirmed by the Lord Lieutenant or other Chief Governor or Governors of Ireland under his or their Hand or Hands.

XIX. And be it enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland, or such Person as shall be duly authorized by him or them for that Purpose, from Time to Time to issue such Orders as to him or them shall seem fit for bringing before such Court any Person charged with any Offence by this Act made cognizable by such Court, or for executing and carrying into effect any Sentence, so confirmed as aforesaid, of any such Court respectively; which Orders all Sheriffs, Justices of the Peace, Gaolers, Constables, Officers, and Ministers of Justice, and other Persons to whom the same shall be directed, and to whom the Execution thereof shall rightfully and properly appertain, shall and are hereby required to execute, enforce, and obey.

XX. And be it enacted, That it shall be lawful for any such Court Martial, or any Member thereof, and they or he are hereby required, to summon, as well on the Part of the Defence as the Prosecution, any Person, whose Evidence may be required, to appear before such Court to give Evidence upon any Trial touching any Offence, Matter, or Thing cognizable by such Court; and if the Person so summoned shall refuse or neglect to attend in obedience to such Summons, it shall be lawful for such Court, after Proof upon Oath of the due Service of such Summons, to issue a Warrant to apprehend and bring before such Court the Party so refusing or neglecting; and in case of the Refusal of any Party to be examined or to give Evidence touching any Matter to which he or she shall be interrogated by such Court (there being no lawful Objection thereto), then it shall be lawful for such Court to commit the Person so refusing to Custody for any Period not exceeding Three Months, or until such Person shall sooner submit to be examined and answer touching the Matters before the said Court.

XXI. And be it enacted, That any Person liable to be prosecuted for any Offence committed within any District proclaimed as aforesaid, contrary to the Provisions of an Act passed in the Parliament of Ireland in the Twenty-seventh Year of the Reign of King George the Third, intituled *An Act to prevent tumultuous Risings and Assemblies, and for the more effectual Punishment of Persons guilty of Outrage, Riot, and illegal Combination, and of administering and taking unlawful Oaths*, or contrary to the Provisions of an Act passed in the Fiftieth Year of the same Reign, intituled *An Act for the more effectually preventing the administering and taking of unlawful Oaths in Ireland, and for the Protection of Magistrates and Witnesses in Criminal Cases*, or contrary to the Provisions of a certain other Act passed in the First and Second Years of the Reign of His present Majesty, intituled *An Act to amend an Act passed in the Parliament of Ireland in the Fifteenth and Sixteenth Years of the Reign of His Majesty King George the Third, intituled 'An Act to prevent and punish tumultuous Risings of Persons within this Kingdom, and for other Purposes therein mentioned'*, or contrary to the Provisions of the said Act of the Fifteenth and Sixteenth Years of King George the Third therein referred to, or contrary to the Provisions of a certain other Act passed in the Second and Third

Years of the Reign of His present Majesty, intituled *An Act to restrain for Five Years, in certain Cases, Party Processions in Ireland*, or contrary to the Provisions of any Act or Acts to continue the said Acts or any of them, and also every Person charged with any Offence contrary to the Provisions of this Act, except any Offence created by this Act, and directed to be tried and prosecuted according to the Course of the Common Law, shall and may be tried by and before a Court Martial to be appointed as aforesaid, and whether the Offence so charged shall or shall not have been committed before the issuing of any Proclamation under this Act: Provided always, that in case the Lord Lieutenant should direct that any Person charged with any Offence contrary to any of the Acts aforesaid, which by Law now is or may be punishable with Death, shall be tried before any Court Martial appointed under this Act, such Court, in case of Conviction, shall, instead of the Punishment of Death, sentence such Convict to Transportation for Life or for any Period not less than Seven Years; and provided also, that such Courts shall in no Case impose the Penalty of whipping on any Person convicted by or before such Courts: Provided always, that it shall not be lawful for any such Court Martial to convict or try any Person for any Offence whatsoever committed at any Time before the passing of this Act: Provided also, that nothing in this Act shall be deemed or taken to give to such Court Martial any Power or Jurisdiction to try any Person or Persons charged or to be charged with the printing, publishing, or circulating of any Libel, or with any Combination or Confederacy contrary to the Provisions of the said recited Statute of the Twenty-seventh Year of the Reign of King George the Third, or with any Prevention or Obstruction of any Person, or any Act to defraud any Person in the Assertion or Enforcement of any Civil Right or Claim contrary to the Provisions of the said last-mentioned Statute, unless such Combination or Prevention, Obstruction or Act, shall be accompanied by Force or by Threats; but that all such Offences, unaccompanied by Force or Threats as aforesaid, shall remain triable according to the Course of the Common Law.

XXII. And be it enacted, That any Magistrate, Peace Officer, or other Person for that Purpose authorized by the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, shall and may cause to be apprehended and committed any Person who, within any such proclaimed District as aforesaid, and under suspicious Circumstances, shall be in the Fields, Streets, Highways, or elsewhere out of his or her Dwelling or Place of Abode, at any Time from One Hour after Sunset until Sunrise; and such Person shall and may be detained until Trial, unless previously discharged or held to Bail by some Person thereto authorized; and the Court before whom such Person shall be tried shall inquire into the said Charge, and unless the Person accused shall make it appear, to the Satisfaction of such Court, that he or she was out of his or her House upon his or her lawful Occasions, such Person shall be deemed guilty of a Misdemeanor.

XXIII. And be it further enacted, That it shall and may be lawful for any Justice of the Peace within any County, County of a City, County of a Town, or other District proclaimed under this Act, and for any Person thereto authorized by the Warrant of

Exemption.

Courts Martial may try Capital Offences, and sentence to Transportation; but not impose the Penalty of whipping.

Not to try Offences committed before the passing of this Act; or Offences committed against 27 G. 3. c. 15. (1.), unless such last-mentioned Offences shall be accompanied with Force.

Persons found out of their Houses under suspicious Circumstances in a proclaimed District after Sunset may be committed, and if convicted deemed guilty of a Misdemeanor.

Justices, &c. may, after Sunset, require the Male Inhabitants of any House in a pro-

claimed District to show themselves.

any such Justice of the Peace, if the Person so authorized be accompanied by a Commissioned Officer of His Majesty's Army or a Chief Constable of Police, at any Time from One Hour after Sunset until Sunrise, to demand and require that the Male Inhabitants or Inmates, by Name, of any House or other Building within any such proclaimed District, shall come forth and show themselves to such Justice or authorized Person; and if any of such Male Inhabitants or Inmates (being above the Age of Fourteen Years, and being so demanded and required,) shall not, within a reasonable Time after such Demand, come forth and show himself or themselves as aforesaid, such Person or Persons shall be deemed and taken to have been absent from their Houses at the Time of such Demand, save as herein-after provided; and any Magistrate or Peace Officer may cause to be apprehended and committed any Person or Persons who shall have been absent from their Houses at the Time of such Demand; and such Person or Persons shall be deemed guilty of a Misdemeanor, and shall be convicted and punished accordingly, unless such Person or Persons can make it appear, to the Satisfaction of the Court before which he or they shall be tried for the said Offence, that he or they was or were absent on his or their lawful and proper Occasions: Provided always, that if any Excuse be made or offered for the Non-appearance of any Person so demanded or required as aforesaid, such Justice or authorized Person, being satisfied with the Truth thereof, may accept such Excuse; but if such Justice or authorized Person shall have Reason to suspect such Excuse to be untrue, he may thereupon demand Admission for himself and One other Person in his Aid, for the sole Purpose of seeing the Person for whom such Excuse was so offered; and in case Admission for such Purpose shall be refused, or shall not be obtained within a reasonable Time after such Demand, then such Person so demanded and required shall be deemed and taken to have been absent from his House at the Time of such Demand.

Persons absent deemed guilty of a Misdemeanor, unless they prove some lawful Occasion.

Justice may accept Excuse for an Absentee, if satisfied of the Truth thereof.

If Arms are found in the Possession of any Person not authorized to keep the same, he shall be deemed guilty of a Misdemeanor.

XXIV. And be it enacted, That if any Justice of the Peace, or other Person authorized by the Warrant of such Justice, shall in any such proclaimed District find any Arms or Ammunition, or any Pike, Pike Head, Spear, Dirk, or any other offensive Weapon, in the Dwelling House or Possession of any Person or Persons not duly authorized to keep the same, every such Person shall be deemed guilty of a Misdemeanor, and may be convicted and punished accordingly by a Court Martial under this Act, unless such Person shall make it appear to the Satisfaction of the Court before which he, she, or they shall be tried, that such Arms, Ammunition, or offensive Weapons as aforesaid were in his, her, or their House or Possession without his, her, or their Knowledge, Privity, or Consent.

Persons wilfully injuring any one who has appeared as Juror, Witness, &c., or deterring any one from appearing, shall be liable to Transportation.

XXV. And be it enacted, That every Person who shall wilfully or maliciously injure either the Person, or the Property, Real or Personal, of any Person who has appeared or shall appear as a Juror, Witness, Prosecutor, or otherwise, for the Purpose of any Prosecution, or any Civil Action or Proceeding, for or by reason of any thing done thereupon by such Person, or who shall, by Menaces or otherwise howsoever, deter or intimidate, or endeavour to deter or intimidate, any Person from appearing or acting in any such

Prosecution or Civil Action or Proceeding, as a Juror, Witness, Prosecutor, or otherwise, for the Purposes of such Prosecution, Action, or Proceeding, or from discharging his or her Duty in that Behalf, shall upon Conviction be deemed guilty of a Misdemeanor, and may be sentenced to be transported for any Term not less than Seven nor more than Fourteen Years; and every such Offence, if committed within any such proclaimed District as aforesaid, shall be cognizable by a Court Martial appointed under the Authority of this Act.

XXVI. Provided always, That in all Cases in which by any Law now in force any such Offence would amount to Felony, and the Party convicted thereof would be subject to be punished with Death, any such Offence shall still be deemed a Felony, and the Person convicted thereof by any competent Court other than a Court Martial under the Provisions of this Act shall be subject to be punished with Death, any thing herein to the contrary notwithstanding.

XXVII. And be it further enacted, That from and after the passing of this Act no Person shall make, aid or assist in making, or be present for the Purpose of aiding or assisting in the making of any Beacon, Bonfire, Light, Fire, Flash, Blaze, or any Signal by Smoke, or by any Rocket, Firework, Flag, firing of any Gun or other Fire-arms, or by blowing of Horns, or by ringing of any Church, Chapel, or other Bell, or by any other Contrivance or Device, for the Purpose of giving any Notice or Intimation to any Person or Persons engaged in any illegal Combination, or in any Association or Assembly against the Provisions of this Act; and that no Person shall make or give, or assist in the making or giving, or be present for the Purpose of assisting in the making or giving of any such Signal, or of any other Signal, Notice, or Call, to or upon any Person or Persons whatsoever to assemble together, or to act in concert together, for any Purpose not warranted by Law, or which is prohibited by this Act, or to assemble in Arms, or in unusual Numbers, and at unusual Times and Places, to the endangering of the Public Peace; and if any Person, contrary to the true Intent and Meaning of this Act, shall make or cause to be made, or aid or assist in the making, or be present for the Purpose of assisting at the making of any such Signal, Notice, or Call to or upon any such Person or Persons as aforesaid, or for any such Purpose as aforesaid, such Person so offending shall be guilty of a Misdemeanor; and every such Offence committed within any District proclaimed in pursuance of the Provisions of this Act shall be cognizable by any Court Martial appointed under this Act, and, if committed within any other District, shall be tried and punished according to the Course of the Common Law, and not otherwise.

XXVIII. And be it enacted, That no Act, Matter, or Thing done in any such proclaimed District as aforesaid, in pursuance or execution of any Power or Authority hereby conferred, shall be questioned in any Court of the United Kingdom having Jurisdiction, Civil or Criminal, except as herein-after mentioned; that is to say, that all Officers, Non-commissioned Officers, and Soldiers who shall act under any such Power or Authority shall, for and in respect of any thing done under such Power or Authority in any such proclaimed District as aforesaid, be responsible to Courts

Proviso as to Offences punishable with Death under any Law now in force.

Making any Beacon or other Signal, or giving Intimation to Persons engaged in any Assembly against the Provisions hereof, or Notice to any Persons to assemble to the endangering of the Public Peace, a Misdemeanor.

Offences within a proclaimed District to be cognizable by a Court Martial; in any other, by Common Law.

Nothing done in pursuance of this Act in any proclaimed District to be questionable in any Court.

Officers, &c. acting in pursuance of such Power or Authority shall be

responsible only
to Courts Mar-
tial.

Martial to be holden under any Statute in force for holding Courts Martial, by which Courts Martial respectively they shall be liable to be tried and punished for any Offence against the Articles of War under any Law then in force for such Purposes; and such Courts Martial respectively shall have full and exclusive Cognizance of all such Matters and Things which shall be objected against such Officers, Non-commissioned Officers, and Soldiers respectively, and Proceedings shall be had thereon in the same Manner as for Offences against the Articles of War, and not otherwise; and no other Court in any Part of the United Kingdom, whether Civil or Criminal, shall have Cognizance or Jurisdiction with respect to any Act, Matter, or Thing which shall be done by any such Officer, Non-commissioned Officer, or Soldier, in pursuance of this Act, in any such proclaimed District as aforesaid; and any Proceeding instituted, had, or commenced, in any such Court as last mentioned, against any Officer, Non-commissioned Officer, or Soldier, for or by reason of any such Act, Matter, or Thing, whether by Indictment, Action, or otherwise, shall be stayed by summary Application to the Court in which the same shall have been instituted, had, or commenced; and that all Justices of the Peace, Constables, Policemen, and all other Persons besides Officers, Non-commissioned Officers, and Soldiers, who shall act under any such Power or Authority, for and in respect of any thing done under such Power or Authority in any such proclaimed District as aforesaid, shall be liable to be prosecuted in any Court of Criminal Jurisdiction under the Warrant of His Majesty's Attorney General for *Ireland*, and not otherwise, and being so prosecuted shall be proceeded against and punished for such Offence according to the Course of the Common Law.

Persons arrested
may be de-
tained in any
Place within
Ireland, but not
in any other
Place than a
public Gaol or
Prison for more
than 24 Hours.

XXIX. And be it enacted, That in Cases where any Person or Persons shall during the Continuance of this Act be arrested, committed, or detained in Custody by force of any Warrant issued under the Authority of this Act, or by any Person hereby empowered in that Behalf, it shall and may be lawful for any Person or Persons so authorized or empowered to detain such Person or Persons so arrested or committed in his or their Custody in any Place whatever within *Ireland*: Provided always, that no Person so arrested shall be detained in any Place of Custody other than some public Gaol or Prison more than Twenty-four Hours from the Time of his Arrest, without his own Consent.

Persons swear-
ing falsely liable
to the Penalties
of Perjury.

XXX. And be it enacted, That every Person who shall knowingly and corruptly swear falsely in any Evidence given by such Person before any Court constituted or acting under the Authority of this Act shall be deemed and adjudged to be guilty of the Crime of wilful and corrupt Perjury, and shall upon Conviction thereof be liable to all the Penalties and Punishments now by Law incident to the Crime of wilful and corrupt Perjury.

What shall be
a sufficient Re-
turn to a
Habeas Corpus
sued out by a
Person detained
under this Act.

XXXI. And be it enacted, That if any Person who shall be detained in Custody under the Powers created by this Act, charged with any Offence committed in any proclaimed District as aforesaid, shall sue forth a Writ of Habeas Corpus within Three Calendar Months from the Time of his first Arrest, it shall be a good and sufficient Return to such Writ that the Party suing forth the same is detained by virtue of the Powers in that Behalf hereby conferred,
and

and when such Return shall be made it shall not be necessary to bring up the Body of the Person so detained.

XXXII. And be it enacted, That no Justice or Justices of the Peace, save as herein-before provided, shall have any Power or Authority to admit to Bail any Person charged with any Offence hereby made cognizable by any Court Martial appointed under the Provisions of this Act: Provided always, that no Person shall be detained in Custody by virtue of the Powers contained in this Act for a longer Time than Three Calendar Months from the Time of his first Arrest, without being brought to Trial for the Offence or Offences for which he is so detained in Custody.

Offences under this Act not bailable.

Persons arrested to be brought to Trial within Three Months.

XXXIII. And be it enacted, That in all Cases where any Offence committed within such District proclaimed as aforesaid shall be punished with Imprisonment under this Act, or by any Court authorized under the Provisions thereof, other than and except any Offence created by this Act for being present at any unlawful Assembly, it shall and may be lawful for such Court to order and award, if they shall so think fit, that, in addition to the Imprisonment thereby directed, the Person convicted shall be kept to hard Labour during the Whole or any Part of the Period to which such Imprisonment shall extend.

Hard Labour may be added to Imprisonment for certain Offences.

XXXIV. And be it enacted, That it shall and may be lawful to and for the Magistrates of the next adjacent Counties at large respectively to execute this Act within the several Counties of Cities or Counties of Towns in *Ireland*, except the County of the City of *Dublin*.

Execution of Act within Counties of Cities (except in *Dublin*).

XXXV. And be it enacted, That all the Powers and Authorities given to and all Duties required from Magistrates of Counties at large, under and by virtue of this Act, shall be and are hereby given to and required from all Magistrates of Counties of Towns or Counties of Cities in *Ireland*, within their respective Counties of Towns or Counties of Cities.

Powers given to Magistrates of Counties to extend to those of Towns or Cities.

XXXVI. And be it enacted, That if any Action, Suit, Plaint, or Information shall be commenced or prosecuted against any Person or Persons for what he or they shall do in pursuance and execution of this Act, in any Part of *Ireland*, not being in any such proclaimed District as aforesaid, the same shall be commenced within Six Months after the Act complained of was committed, and shall be brought or laid within the County where the Act was committed; and such Person so sued may plead the General Issue of Not guilty, or any other General Issue which the Nature of the Case may admit, and upon Issue joined may give this Act and the special Matter in Evidence; and if the Plaintiff or Prosecutor shall become Nonsuit, or forbear Prosecution, or suffer Discontinuance, or if a Verdict or Judgment on Demurrer shall pass against him, the Defendant shall recover Treble Costs.

Limitation of Actions.

XXXVII. ' And whereas Doubts may arise whether any such ' Action, Suit, Plaint, or Information was so commenced or prosecuted against the Defendant or Defendants therein for what he ' or they did in pursuance or execution of this Act;' be it enacted, That in all Cases where there shall be a Verdict for the Defendant, if it shall appear to the Judge or Court before whom the Cause shall have been tried that the same was prosecuted or instituted for or by means of any Act done in pursuance or execution of this Act,

In case of Verdict for Defendant, the Judge may certify that the Act complained of was done by virtue of this Act, and the Defendant in that Case allowed his Treble Costs.

such Judge or Court shall certify the same on the Record, and thereupon such Treble Costs shall be adjudged as aforesaid; and if the Plaintiff or Prosecutor shall become Nonsuit, or forbear Prosecution, or suffer a Discontinuance, or if Judgment shall pass against him on Demurrer, it shall and may be lawful for the Defendant or Defendants, or any of them, to suggest on the Record that such Action, Suit, Plaint, or Information was brought against such Defendant or Defendants for what he or they did in pursuance or execution of this Act, which Suggestion may be traversed by the Plaintiff if he shall think proper so to do, and Issue being joined thereupon, the same shall be tried by Nisi Prius according to the usual Course of such Court on Issues joined therein; and if such Suggestion shall not be traversed, or being traversed the Issue thereon shall be found for such Defendant or Defendants, he or they shall thereupon be entitled to his or their Treble Costs as aforesaid, together with the Treble Costs of the said Suggestion, and of the Proceedings thereon (if any); and if such Issue shall be found for the said Plaintiff, he shall be entitled to the Costs of the said Suggestion and the Proceedings thereon, and the same shall be set off against the Costs to be adjudged to the Defendant or Defendants making such Suggestion, and the Judgment shall be for the Balance of the said Costs, if any.

As to Costs in
Actions for false
Imprisonment,
&c.

XXXVIII. Provided always, and be it enacted, That when a Verdict shall be given for the Plaintiff in any such Action to be brought against any Justice of the Peace, Peace Officer, or other Person, for taking or imprisoning or detaining any Person, or entering Houses, under colour of any Authority given by this Act, and it shall appear to the Judge or Judges before whom the same shall be tried that there was a probable Cause for doing the Act complained of in such Action, and the Judge or Court shall certify the same on Record, then and in that Case the Plaintiff shall not be entitled to more than Sixpence Damages, nor to any Costs of Suit: Provided also, that where a Verdict shall be given for the Plaintiff in any such Action as aforesaid, and the Judge or Court before whom the Cause shall be tried shall certify on the Record that the Injury for which such Action was brought was wilfully and maliciously committed, the Plaintiff shall be entitled to Treble the Costs of Suit.

The Lord Lieu-
tenant may by
Proclamation
revoke any
former Procla-
mation.

XXXIX. And be it enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, by a new Proclamation to be made by and with the Advice of the Privy Council of *Ireland*, to revoke any Proclamation issued in pursuance of this Act as to the Whole or any Part of the District thereby proclaimed, which new Proclamation shall be forthwith transmitted by the Clerk of the Privy Council to the Lord Lieutenant of the County, County of a City, or County of a Town, who shall forthwith notify the same to each Court Martial, if actually sitting, and if not, then at the next Sitting of such Court, and such Court shall thereupon cause the same to be read in open Court; and on such new Proclamation being read, the original Proclamation mentioned therein shall forthwith stand and be revoked so far as the said new Proclamation shall purport to revoke the same; and if no Part of such County, County of a City, or County of a Town shall then remain proclaimed, the
Authorities

Authorities and Powers of such Court shall forthwith cease and determine.

XL. Provided always, and be it declared and enacted, That nothing in this Act contained shall be construed to take away, abridge, or diminish the acknowledged Prerogative of His Majesty, in respect of appointing and convening Courts Martial according to the Provisions of the Act for punishing Mutiny and Desertion, or the undoubted Prerogative of His Majesty, for the Public Safety, to resort to the Exercise of Martial Law against open Enemies or Traitors, or any Powers by Law vested in the said Lord Lieutenant of *Ireland*, or other Chief Governor or Governors of *Ireland*, with or without the Advice of His Majesty's Privy Council, or in any other Person or Persons whomsoever, to suppress Insurrection and Disturbances or Treason and Rebellion, and to do any Act warranted by Law for that Purpose, in the same Manner as if this Act had never been made, or in any Manner to call in question any Acts heretofore done for the like Purposes.

Nothing herein to take away the Prerogative of the Crown to appoint Courts Martial, or to resort to the Exercise of Martial Law or any Powers given by Law for Suppression of Insurrection.

XLI. And be it enacted, That this Act shall continue and be in force until the First Day of *August* One thousand eight hundred and thirty-four, and no longer; and that it shall and may be lawful to repeal, amend, or alter this Act during this present Session of Parliament.

This Act to continue in force till 1st Aug. 1834.

XLII. Provided always, That neither the Revocation of any Proclamation by the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, nor the Expiration of this Act, shall annul or suspend any Sentence passed against any Person or Persons for Offences of which such Persons shall have been or shall be convicted by any Court Martial under this Act.

Revocation of Proclamation, or Expiration of Act, not to annul any Sentence.

SCHEDULE.

House of _____, at _____ in the Parish of _____ in the County of _____.

Name and Trade in Business.	Age, 14, or upwards.	Age, under 14.
A. B. Farmer or Labourer, as may be.	25	

Signed this

Day of

1833.

A. B.

CAP. V.

An Act for punishing Mutiny and Desertion; and for the better Payment of the Army and their Quarters.

[20th April 1833.]

WHEREAS the raising or keeping a Standing Army within the United Kingdom of *Great Britain* and *Ireland*, in Time of Peace, unless it be with the Consent of Parliament, is against Law: And whereas it is adjudged necessary by His Majesty, and this present Parliament, that a Body of Forces should be continued, for the Safety of the United Kingdom, the Defence of the Possessions of His Majesty's Crown, and the Preservation

Number of the
Forces.

Crimes punish-
able by Death.

‘ Preservation of the Balance of Power in *Europe*, and that the
 ‘ whole Number of such Forces should consist of Eighty-nine
 ‘ thousand four hundred and nineteen Men, exclusive of the Officers
 ‘ and Men belonging to the Regiments employed in the Territorial
 ‘ Possessions of the *East India* Company, but including the Officers
 ‘ and Men of the Troops and Companies recruiting for those
 ‘ Regiments: And whereas no Man can be forejudged of Life or
 ‘ Limb, or subjected in Time of Peace to any Kind of Punish-
 ‘ ment within this Realm, by Martial Law, or in any other Manner
 ‘ than by Judgment of his Peers, and according to the known and
 ‘ established Laws of this Realm; yet nevertheless, it being re-
 ‘ quisite, for the retaining all the before-mentioned Forces in their
 ‘ Duty, that an exact Discipline be observed, and that Soldiers
 ‘ who shall mutiny or stir up Sedition, or shall desert His Ma-
 ‘ jesty’s Service, be brought to a more exemplary and speedy
 ‘ Punishment than the usual Forms of the Law will allow;’ be
 it therefore enacted by the King’s most Excellent Majesty, by and
 with the Advice and Consent of the Lords Spiritual and Temporal,
 and Commons, in this present Parliament assembled, and by the
 Authority of the same, That if any Person who is or shall be
 commissioned or in Pay as an Officer, or who is or shall be
 listed or in Pay as a Non-commissioned Officer or Soldier, shall,
 at any Time during the Continuance of this Act, begin, excite,
 cause, or join in any Mutiny or Sedition in His Majesty’s Land
 or Marine Forces, or shall not use his utmost Endeavours to
 suppress the same, or coming to the Knowledge of any Mutiny
 or intended Mutiny shall not, without Delay, give Information
 thereof to his Commanding Officer; or shall misbehave himself
 before the Enemy; or shall shamefully abandon or deliver up any
 Garrison, Fortress, Post, or Guard committed to his Charge, or
 which he shall be commanded to defend; or shall compel the
 Governor or Commanding Officer of any Garrison, Fortress, or
 Post to deliver up to the Enemy or to abandon the same; or shall
 speak Words or use any other Means to induce such Governor or
 Commanding Officer, or others, to misbehave before the Enemy,
 or shamefully to abandon or deliver up any Garrison, Fortress,
 Post, or Guard committed to their respective Charge, or which
 he or they shall be commanded to defend; or shall leave his Post
 before relieved, or shall be found sleeping on his Post; or shall
 hold Correspondence with or give Advice or Intelligence to any
 Rebel or Enemy of His Majesty’s, either by Letters, Messages,
 Signs, or Tokens, in any Manner or Way whatsoever; or shall
 treat or enter into any Terms with such Rebel or Enemy, without
 His Majesty’s Licence, or Licence of the General or Chief
 Commander; or shall strike or shall use or offer any Violence
 against his Superior Officer, being in the Execution of his Office,
 or shall disobey any lawful Command of his Superior Officer;
 or shall desert His Majesty’s Service; all and every Person and
 Persons so offending in any of the Matters before mentioned,
 whether such Offence shall be committed within this Realm, or in
 any other of His Majesty’s Dominions, or in Foreign Parts, upon
 Land or upon the Sea, shall suffer Death, or such other Punish-
 ment as by a Court-martial shall be awarded.

II. And be it enacted, That nothing in this Act contained shall be construed to exempt any Officer or Soldier from being proceeded against by the ordinary Course of Law; and any Commanding Officer who shall neglect or refuse, when Application is made to him for that Purpose, to deliver over to the Civil Magistrate any Officer or Soldier accused of any Capital Crime, or of any Violence or Offence against the Person, Estate, or Property of any of His Majesty's Subjects, which is punishable by the known Laws of the Land, or shall wilfully neglect or refuse to assist the Officers of Justice in apprehending such Offender, shall, upon Conviction thereof in any Prosecution in any of His Majesty's Courts at *Westminster, Dublin, or Edinburgh*, be deemed to be *ipso facto* cashiered, and shall be utterly disabled to have or hold any Civil or Military Office or Employment within the United Kingdom of *Great Britain and Ireland*, or in His Majesty's Service, and a Certificate thereof shall be transmitted to the Judge Advocate in *London*; provided that no Person being acquitted or convicted of any Capital Crime, Violence, or Offence, by the Civil Magistrate, or by the Verdict of a Jury, shall be liable to be punished by a Court-martial for the same otherwise than by cashiering.

The ordinary Course of Law not to be interfered with.

III. And be it enacted, That no Person whatever (except an Apprentice) enlisted into His Majesty's Service as a Soldier shall be liable to be arrested or taken therefrom, by reason of the Warrant of any Justice, on account of any Breach of Contract or Engagement to serve or work for any Employer; and no Person enlisted as a Soldier, or serving as a Non-commissioned Officer or Drummer on the permanent Staff of the disembodied Militia, shall be liable to be taken out of His Majesty's Service by any Process or Execution whatsoever, other than for some Criminal Matter, unless an Affidavit shall be made by the Plaintiff, or some one on his Behalf, for which no Fee shall be taken, before some Judge of the Court out of which such Process or Execution shall issue, or before some Person authorized to take Affidavits in such Courts, of which Affidavit a Memorandum shall, without Fee, be endorsed upon the Back of such Process, that the original Debt for which the Action has been brought or Execution sued out amounts to the Value of Thirty Pounds at least, over and above all Costs of Suit in the Action or Actions on which the same shall be grounded; and any Judge of such Court may examine into any Complaints made by a Soldier, or by his Superior Officer, and by Warrant under his Hand discharge such Soldier without Fee, he being shewn to be duly enlisted, and to have been arrested contrary to the Intent of this Act, and shall award reasonable Costs to such Complainant, who shall have for the Recovery thereof the like Remedy as would have been applicable to the Recovery of any Costs which might have been awarded against the Complainant in any Judgment or Execution as aforesaid; provided that any Plaintiff, upon Notice of the Cause of Action first given in Writing to any Soldier, or left at his last Place of Residence before such Listing, may file a Common Appearance in any Action to be brought for or upon account of any Debt whatsoever, and proceed therein to Judgment and Outlawry, and have Execution other than and against the Body.

Soldiers not to be taken away from the Service for Debts under 30*l*.

IV. And be it enacted, That it shall be lawful for His Majesty to make Articles of War for the better Government of His Majesty's Forces,

The King may make Articles of War in con-

conformity with
this Act.

Forces, which Articles shall be judicially taken notice of by all Judges, and in all Courts whatsoever; and Copies of the same, printed by the King's Printer, shall, as soon as conveniently may be after the same shall have been made and established by His Majesty, be transmitted by His Majesty's Secretary at War, signed with his own Hand and Name, to the Judge of His Majesty's Superior Courts at *Westminster*, *Dublin*, and *Edinburgh* respectively, and also to the Governors of His Majesty's Dominions Abroad; provided that no Person within the United Kingdom of *Great Britain* and *Ireland*, or the *British* Isles, shall by such Articles of War be subject to be transported as a Felon, or to suffer any Punishment extending to Life or Limb, except for Crimes which are by this Act expressly made liable to such Transportation or to such Punishment as aforesaid, nor shall be punished in any Manner or under any Regulations which shall not accord with the Provisions of this Act.

Constitution of
Courts-martial.

V. And be it enacted, That His Majesty may from Time to Time grant a Commission, under the Royal Sign Manual, for the holding of General Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, in like Manner as has been heretofore used; and that for bringing Offenders against the Articles of War to Justice it shall be lawful for His Majesty to erect and constitute Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, as well as to grant His Royal Commissions or Warrants to the Chief Governor or Governors of *Ireland*, the Commander of the Forces, or the Person or Persons commanding in chief, or commanding for the Time being, any Body of His Majesty's Forces, as well within the United Kingdom of *Great Britain* and *Ireland*, and the *British* Isles, as in any of His Majesty's Garrisons and Dominions or elsewhere beyond the Seas, for convening, as well as for authorizing any Officer under their respective Command, not below the Degree of a Field Officer, to convene Courts-martial, as Occasion may require, for the Trial of Offences committed by any of the Forces under their several Command, whether the same shall have been committed before or after such Officer shall have taken upon himself such Command; and any Person subject to this Act, who shall in any of His Majesty's Dominions beyond the Seas or elsewhere commit any of the Offences for which he may be liable to be tried by Courts-martial by virtue of this Act, may be tried and punished for the same in any other Part of His Majesty's Dominions where he may have come after the Commission of the Offence, as if the Offence had been committed where such Trial shall take place.

Composition of
General Courts-
martial.

VI. And be it enacted, That a General Court-martial convened in any Part of the King's Dominions, (*Bermuda*, the *Bahamas*, *Africa*, and *New South Wales* excepted,) or in the Settlements of the *East India* Company, shall consist of not less than Thirteen Commissioned Officers; if convened in *Bermuda* or the *Bahamas*, or out of the King's Dominions, excepting *Africa* and *New South Wales*, shall consist of not less than Seven, and in *Africa* and *New South Wales* of not less than Five Commissioned Officers; and no Judgment of Death shall pass without the Concurrence of Two Thirds at the least of the Officers present; and the President shall in no Case be the Officer commanding in chief or Governor of the

the Garrison where the Offender shall be tried, nor under the Degree of a Field Officer, unless where a Field Officer cannot be had, nor in any Case whatsoever under the Degree of a Captain.

VII. And be it enacted, That a General Court-martial may sentence any Soldier to Imprisonment, solitary or otherwise, and with or without hard Labour, in any public Prison, or other Place which the Court, or the Authority confirming the Sentence, may appoint, or to Corporal Punishment, not extending to Life or Limb, for Immorality, Misbehaviour, and Neglect of Duty; and a General Court-martial may, in addition to any such Punishment as aforesaid, sentence any Offender to Forfeiture of all Advantage as to additional Pay, and Pension on Discharge; and whensoever any General Court-martial by which any Soldier shall have been tried and convicted of any Offence punishable with Death shall not think the Offence deserving of Capital Punishment, such Court-martial may, instead of awarding a Corporal Punishment or Imprisonment, adjudge the Offender, according to the Degree of the Offence, to be transported as a Felon for Life or for a certain Term of Years, or may sentence him to general Service as a Soldier in any Corps and in any Country or Place which His Majesty shall thereupon direct, or may, if such Offender shall have enlisted for a limited Term of Years, sentence him to serve for Life as a Soldier in any Corps which His Majesty shall please to direct; and the Court may, in addition to any other Punishment, sentence such Offender to forfeit all Advantage as to Increase of Pay, or as to Pension on Discharge, which might otherwise have accrued to such Offender; provided that in all Cases where a Capital Punishment shall have been awarded by a General Court-martial, it shall be lawful for His Majesty, or, if in the *East Indies*, for the Officer commanding in chief the Forces at the Presidency to which the Offender shall belong, instead of causing such Sentence to be carried into execution, to order the Offender to be transported as a Felon either for Life or for a certain Term of Years, as shall seem meet to His Majesty, or, if in the *East Indies*, to the Officer commanding as aforesaid; and if any Person transported as a Felon, whether in pursuance of the original Sentence of the Court-martial, or in pursuance of such Order from His Majesty, or from such Officer commanding in the *East Indies* as aforesaid, shall afterwards return or be found at large, without Leave from His Majesty, or other lawful Authority, within any Part of His Majesty's Dominions Abroad or at Home, other than the Place to which he shall have been transported, before the Expiration of the Term limited by such Sentence or Order, and shall be duly convicted thereof, shall suffer Death as a Felon.

Powers of
General Courts-
martial.

VIII. And be it enacted, That every Paymaster or other Commissioned Officer of His Majesty's Forces, or any Person employed in the Ordnance or Commissariat Department, or in any Manner in the Care or Distribution of any Money, Provisions, Forage, or Stores, who shall embezzle or fraudulently misapply, or be concerned in or connive at the Embezzlement, fraudulent Misapplication, or Damage of any Money, Provisions, Forage, Arms, Clothing, Ammunition, or other Military Stores belonging to His Majesty's Forces or for His Use, may be tried for the same by a General Court-martial, which may adjudge any such Offender to be

Trial by General
Court-martial
for Embezzle-
ment.

be

be transported as a Felon for Life or for any certain Term of Years, or to suffer such Punishment of Fine, Imprisonment, Dismissal from His Majesty's Service, and Incapacity of serving His Majesty in any Office, Civil or Military, as such Court shall think fit, according to the Nature and Degree of the Offence; and every such Offender shall, in addition to any other Punishment, make good at his own Expence the Loss and Damage sustained, which shall have been ascertained by such Court-martial; and the Loss and Damage so ascertained as aforesaid shall be a Debt to His Majesty, and may be recovered in any of His Majesty's Courts at *Westminster* or in *Dublin*, or the Court of Exchequer in *Scotland*, or in any Court in His Majesty's Colonies where a Person sentenced by such Court-martial shall be resident, after the said Judgment shall be confirmed and made known.

Powers of District or Garrison Courts-martial.

IX. And be it enacted, That a District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except in *Bermuda*, the *Bahamas*, *Africa*, and *New South Wales*, where it may consist of not less than Five Commissioned Officers, and may sentence any Soldier to any Imprisonment, solitary or otherwise, and with or without hard Labour, in any public Prison or other Place which such Court, or the Authority confirming the Sentence, may appoint, or to Corporal Punishment, not extending to Life or Limb, for Immorality, Misbehaviour, or Neglect of Duty; and such Court may, in addition to either of the said Punishments, sentence a Soldier to Forfeiture of all Advantage as to additional Pay, and to Pension on Discharge, for disgraceful Conduct,

In wilfully maiming or injuring himself, or any other Soldier, at the Instance of such Soldier, with Intent to render himself or such Soldier unfit for the Service :

In tampering with his Eyes :

In malingering, feigning Disease, absenting himself from Hospital whilst under Medical Care, or other gross Violation of the Rules of any Hospital, thereby wilfully producing or aggravating Disease or Infirmary, or wilfully delaying his Cure :

In purloining or selling Government Stores :

In stealing any Money or Goods, the Property of a Comrade, of a Military Officer, or of any Military or Regimental Mess :

In producing false or fraudulent Accounts or Returns :

In embezzling or fraudulently misapplying Public Money entrusted to him, or in committing any petty Offence of a felonious or fraudulent Nature, to the Injury of or with Intent to injure any Person, Civil or Military :

Or for any other disgraceful Conduct, being of a cruel, indecent, or unnatural Kind :

And such Offender may be further put under Stoppages, not exceeding Two Thirds of his daily Pay, until the Amount be made good of any Loss or Damage arising out of his Misconduct; and if any Soldier shall be convicted of any such disgraceful Conduct, and shall be sentenced to Forfeiture of his Claim to Pension, the Court may further recommend him to be discharged with Ignominy from His Majesty's Service; and any such Court shall deprive a Soldier, if convicted of a Charge of habitual Drunkenness, of his Allowance in lieu of Beer or Liquor, or of such Proportion thereof,

or

or of such Portion of his additional or regular Pay, for such Period, not exceeding Two Years, as may accord with His Majesty's Articles of War, subject to Restoration on subsequent good Conduct; and in addition to any such Punishment, the Court may, if it shall think fit, sentence such Offender to Imprisonment or to Corporal Punishment; provided that in all the foregoing Cases the Sentences of a District or Garrison Court-martial shall be confirmed by the General Officer, Governor, or Senior Officer in command of the District, Garrison, Island, or Colony; and the President of every Court-martial, other than a General Court-martial, not being under the Rank of Captain, shall be appointed by the Officer convening such Court-martial; provided that such Court-martial shall not have Power to pass any Sentence of Death or Transportation.

X. And be it enacted, That in Cases of Mutiny and gross Insubordination, or any Offences committed on the Line of March, the Offence may be tried by a Regimental Court-martial, and the Sentence confirmed and carried into execution on the Spot by the Officer in the immediate Command of the Troops, provided that the Sentence shall not exceed that which a Regimental Court-martial is competent to award; and a Regimental Court-martial may sentence any Soldier to Imprisonment, with or without hard Labour, for any Period not exceeding Thirty Days, and to solitary Confinement not exceeding Twenty Days.

Regimental
Court-martial.

XI. And be it enacted, That every Soldier convicted of Desertion by a General, or District, or Garrison Court-martial, or of Felony in any Court of Civil Judicature, shall thereupon forfeit all Advantage as to additional Pay, and to Pension on Discharge, in addition to any Punishment which such Court may award; and it shall be lawful for any Court-martial empowered to try the Crime of Desertion, in addition to any other Punishment, to direct that the Offender be marked on the Left Side, Two Inches below the Arm-pit, with the Letter (D.), such Letter not to be less than an Inch long, and to be marked upon the Skin with some Ink or Gunpowder, or other Preparation, so as to be visible and conspicuous, and not liable to be obliterated.

Marking a
Deserter.

XII. And be it enacted, That it shall be lawful for any Officer commanding any District, Detachment, or Portion of His Majesty's Troops which may at any Time be serving out of His Majesty's Dominions, upon Complaint made to him of any Offence committed against the Property or Person of any Inhabitant of or Resident in any such Countries, by any Person serving with or belonging to His Majesty's Armies, being under the immediate Command of any such Officer, to summon and cause to assemble a Court-martial, which shall consist of not less than Three Officers, for the Purpose of trying any such Person, notwithstanding any such Officer shall not have received any Warrant empowering him to assemble Courts-martial; and every such Court-martial shall have the same Powers in regard to summoning and examining Witnesses, Trial of and Sentence upon Offenders, as are granted by this Act to General Courts-martial; provided that no Sentence of any such Court-martial shall be executed until the General commanding in chief the Army of which the Division, Brigade, Detachment, or Party to which any Person so tried, convicted, and adjudged to suffer Punishment shall belong, shall have approved and confirmed the same.

Powers of a
Detachment
Court-martial.

XIII. And

Mixture of
Officers upon
Courts-martial.

XIII. And be it enacted, That in certain Cases, where it may be necessary or expedient, Officers of His Majesty's Marine Forces may sit upon Courts-martial in conjunction with Officers of His Majesty's Land Forces, and such Courts-martial shall be regulated, to all Intents and Purposes, in like Manner as if they were composed of Officers of the Land Forces only, whether the Commanding Officer by whose Orders such Court-martial is assembled belongs to the Land or to the Marine Forces; and Officers of His Majesty's Land Forces, and Officers in the Service of the *East India* Company, when serving together, may be associated in Courts-martial, which shall, to all Intents and Purposes, be regulated in like Manner as if consisting wholly of Officers of His Majesty's Land Forces, or wholly of Officers in the Service of the *East India* Company; save and except that on the Trial of any Person in His Majesty's Service, the Provisions of this Act, and the Oaths thereby prescribed, shall be applicable; and on the Trial of any Officer or Soldier in the Service of the *East India* Company, the Provisions of an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, to amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the *East India* Company, and the Oaths thereby prescribed, shall be applicable, notwithstanding any Officer in the actual Service of the said Company may have a Commission from His Majesty.

Power to ad-
minister Oaths.

XIV. And be it enacted, That all General and other Courts-martial shall have Power and Authority and are hereby required to administer an Oath to every Witness or other Person who shall be examined before such Court in any Matter relating to any Proceedings before the same.

Proceedings of
Courts-martial.

XV. And be it enacted, That in all Trials by General Courts-martial to be held by virtue of this Act every Member assisting at such Trial, before any Proceeding be had thereon, shall take the Oath in the Schedule to this Act annexed, before the Judge Advocate or his Deputy, or Person officiating as such, and on Trials by other Courts-martial before the President of such Court, who are hereby respectively authorized to administer the same, and any sworn Member shall administer the Oath to the President; and as soon as the said Oaths shall have been administered to the respective Members, the President of the Court is hereby authorized and required to administer to the Judge Advocate, or the Person officiating as such, the Oath in the Schedule to this Act annexed; and no Proceeding or Trial shall be had upon any Offence but between the Hours of Eight of the Clock in the Morning and Four in the Afternoon, except in Cases which require an immediate Example, and except in the *East Indies*, where such Proceedings or Trial may be had between the Hours of Six in the Morning and Four in the Afternoon: Provided also, that all Witnesses duly summoned by the Judge Advocate, or the Person officiating as such, or by the President of a District or Garrison Court-martial, shall, during their necessary Attendance in such Courts, and in going to and returning from the same, be privileged from Arrest, and shall, if unduly arrested, be discharged by the Court out of which the Writ or Process issued by which such Witness was arrested, or if such Court be not sitting, then by any Judge of the Court of King's Bench in *London* or in *Dublin*, or the

the Court of Session in *Scotland*, or Courts of Law in the *East* or *West Indies* or elsewhere, according as the Case shall require, upon its being made to appear to such Court or Judge, by Affidavit in a summary Way, that such Witness was arrested in going to or returning from or attending upon such Court-martial; and that all Witnesses so duly summoned as aforesaid who shall not attend on such Courts, or attending shall refuse to be sworn, or being sworn shall refuse to give Evidence or to answer all such Questions as the Court may legally demand of them, shall be liable to be attached in the Court of King's Bench in *London* or *Dublin*, or the Court of Session, or Sheriff Depute or Stewarts Depute, or their respective Substitutes, within their several Shires and Stewartries in *Scotland*, or Courts of Law in the *East* or *West Indies*, or in any of His Majesty's Colonies, Garrisons, or Dominions in *Europe* or elsewhere respectively, upon Complaint made, in like Manner as if such Witness had neglected to attend in a Trial in any Proceeding in that Court.

XVI. And be it enacted, That no Officer or Soldier, being acquitted or convicted of any Offence, shall be liable to be tried a Second Time by the same or any other Court-martial for the same Offence, unless in the Case of an Appeal from a Regimental to a General Court-martial; and that no Finding, Opinion, or Sentence given by any Court-martial, and signed by the President thereof, shall be liable to be revised more than once; and no Witness shall be examined nor shall any additional Evidence be received by the Court on such Revision. Appeal.

XVII. And be it enacted, That every Judge Advocate, or Person officiating as such at a General Court-martial, or the President of any District or Garrison Court-martial, is required to transmit, with as much Expedition as the Opportunity of Time and Distance of Place can admit, the original Proceedings and Sentence thereof to the Judge Advocate General in *London*, in whose Office they shall be carefully preserved; and any Person tried by a General Court-martial, or any Person in his Behalf, shall be entitled, on Demand, to a Copy of such Sentence and Proceedings (paying reasonably for the same), whether such Sentence shall be approved or not, at any Time not sooner than Six Months if the Trial took place at *Gibraltar* or in the *Mediterranean*, Three Months if at any other Station within *Europe*, and Twelve Months if elsewhere in His Majesty's Dominions; provided that such Demand as aforesaid shall have been made within the Space of Three Years from the Date of the Approval or other final Decision upon the Proceedings before such General Court-martial. Report of Proceedings of General Courts-martial.

XVIII. And be it enacted, That whenever His Majesty shall intend that any Sentence of Transportation heretofore or hereafter passed by any Court-martial shall be carried into execution for the Term specified in such Sentence, or for any shorter Term, or shall be graciously pleased to commute as aforesaid to Transportation any Sentence of Death passed by any such Court, the same, together with His Majesty's Pleasure thereupon, shall be notified in Writing by the Officer commanding in chief His Majesty's Forces in *Great Britain* and *Ireland*, or in the temporary Absence of such Officer by the Adjutant General, or when there shall not be any Commander-in-Chief of His Majesty's Forces in *Great Britain* and *Ireland*, Transportation from the United Kingdom.

then by the Secretary at War or his Deputy, to any Judge of the King's Bench, Common Pleas, or Exchequer, in *England* or *Ireland*, and thereupon such Judge shall make an Order for the Transportation of such Offender in conformity with such Notification, and shall also do all such other Acts consequent upon the same as such Judge is authorized to do by any Act in force touching the Transportation of other Offenders; and the Person in whose Custody such Offender shall at that Time be, and all other Persons whatsoever whom the said Order may concern, shall be bound to obey and shall be assistant in the Execution thereof, and shall be liable to the same Punishment for Disobedience, or for interrupting the Execution of the same, as if the Order had been made under the Authority of any such Act as aforesaid; and every Person so ordered to be transported shall be subject to every Provision made by Law and in force concerning Persons convicted of any Crime and under Sentence of Transportation; and from the Time when such Order of Transportation shall be made every Act now in force touching the Escape of Felons shall apply to such Offender, and to all Persons aiding and abetting, contriving, or assisting in any Escape or intended Escape of any such Offender; and the Judge who shall make any Order of Transportation as aforesaid shall direct the Notification of His Majesty's Pleasure, and his own Order made thereupon, to be filed and kept of Record in the Office of the Clerk of the Crown of the Court of King's Bench; and the said Clerk shall have a Fee of Two Shillings and Sixpence only for filing the same, and shall, on Application, deliver a Certificate in Writing (not taking more than Two Shillings and Sixpence for the same), to such Offender or to any Person applying in his or His Majesty's Behalf, shewing the Christian and Surname of such Offender, his Offence, the Place where the Court was held before whom he was convicted, and the Conditions on which the Order of Transportation was given; which Certificate shall be sufficient Proof of the Conviction and Sentence of such Offender, and also of the Terms on which such Order for his Transportation was given, in any Court and in any Proceeding wherein it may be necessary to inquire into the same.

Transportation
from the
Colonies.

XIX. And be it enacted, That whenever any Sentence of Transportation heretofore or hereafter passed by any Court-martial holden in the *East Indies*, or in any Part of His Majesty's Foreign Dominions, is to be carried into execution for the Term specified in such Sentence or for any shorter Term, or when Sentence of Death has been or shall as aforesaid be commuted to Transportation, the same shall be notified by the Officer commanding in chief His Majesty's Forces at the Presidency or Station, or in his Absence by the Adjutant General for the Time being, to some Judge of One of the Supreme Courts of Judicature in the *East Indies*, or Chief Justice or some other Judge, as the Case may be, in any Part of His Majesty's Foreign Dominions, who shall make Order for the Transportation or intermediate Custody of such Offender, in like Manner as for the Transportation or intermediate Custody of any other Convict, under an Act passed in the Sixth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for punishing Offences committed by Transports kept to Labour in the Colonies, and better regulating the Powers of Justices of the Peace in* New

New South Wales, and an Order of His Majesty in Council dated the Eleventh Day of *November* One thousand eight hundred and twenty-five; and the necessary Proceedings shall be taken, according to such Order, for the Transportation or intermediate Custody of such Offender; and all Acts in force in such Place touching other Offenders to be transported shall in all respects apply as well to the Offender himself so to be transported as to all other Persons whatsoever therein concerned.

XX. And be it enacted, That all Crimes and Offences which have been committed against any Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, or against any of the Articles of War made and established by virtue of the same, may, during the Continuance of this Act, be inquired of and punished in like Manner as if they had been committed against this Act; and every Warrant for holding any Court-martial under any former Act shall remain in full Force notwithstanding the Expiration of such Act, and all Proceedings of any Court-martial upon any Trial begun under the Authority of such former Act shall not be discontinued by the Expiration of the same; provided that no Person shall be liable to be tried and punished for any Offence against any of the said Acts or Articles of War which shall appear to have been committed more than Three Years before the issuing of the Commission or Warrant for such Trial, unless the Person accused, by reason of his having absented himself, or of some other manifest Impediment, shall not have been amenable to Justice within that Period, in which Case such Person shall be liable to be tried at any Time not exceeding Two Years after the Impediment shall have ceased.

Offences against former Mutiny Acts may be tried under this Act.

XXI. And be it enacted, That every Soldier shall be liable to be tried and punished for Desertion from any Corps into which he may have enlisted, or from His Majesty's Service, although he may of right belong to the Corps from which he shall have originally deserted; and if such Person shall be claimed as a Deserter by the Corps to which he originally belonged, and be tried as a Deserter therefrom, or shall be tried as a Deserter from any other Corps into which he may have enlisted, or if he shall be tried while actually serving in some Corps for Desertion from any other Corps, every Desertion previous or subsequent to that for which he shall be under Trial, as well as every previous Conviction for any other Offence, may be given in Evidence against him; and in like Manner, upon the Trial of any Soldier for any Offence whatever, any previous Convictions may be given in Evidence against him; provided that no such Evidence shall in any Case be received until after the Prisoner shall have been found guilty of the Offence for which he shall be under Trial, and then only for the Purpose of affixing Punishment; and provided also, that after he shall so have been found guilty, and before such Evidence shall be received, it shall be proved to the Satisfaction of the Court that he had previously to his Trial received Notice of the Intention to produce such Evidence on the same; and provided further, that the Court shall in no Case award to him any greater or other Punishment or Punishments than may by this Act and by the Articles of War be awarded for the Offence for which he shall be under Trial.

Subsequent Enlistment no Protection from Punishment for Desertion.

Apprehension of
Deserters.

XXII. And be it enacted, That it shall be lawful for the Constable of any Place where any Person reasonably suspected to be a Deserter shall be found, or of any adjoining Place, and if no such Constable can be immediately met with, then for any Officer or Soldier in His Majesty's Service, to apprehend or cause such suspected Person to be apprehended, and to cause him to be brought before any Justice living in or near such Place, and acting for the same or any adjoining County, who hath hereby Power to examine such suspected Person; and if by his Confession, or the Testimony of One or more Witnesses upon Oath, or by the Knowledge of such Justice, it shall appear that such suspected Person is a Soldier, and ought to be with the Corps to which he belongs, such Justice shall forthwith cause him to be conveyed to some public Prison in such Place, or if there be no public Prison in such Place, then, at the Discretion of such Justice of the Peace, to the nearest or most convenient public Prison in the same or any next adjoining County, or to the Provost Marshal, in case such Deserter shall be apprehended within the City or Liberties of *Dublin* or Places adjacent; or if such Deserter shall be apprehended by any Party of Soldiers of his own Regiment, or shall be apprehended in the Vicinity of the Head Quarters or of any Depôt of the Regiment to which he shall belong, then such Justice may deliver such Deserter to the Party of his Regiment, or may order such Deserter to be taken to the Head Quarters or Depôt of the Regiment to which he shall belong, instead of committing him to Prison; and such Justice shall transmit an Account thereof, in the Form prescribed in the Schedule annexed to this Act, to the Secretary at War, or, if the Deserter be apprehended in *Ireland*, to the Chief Secretary, specifying at the Foot thereof the Commitment to Prison, or Delivery of such Deserter to the Party of his Regiment in order for his being taken to the Head Quarters or Depôt of his Regiment, as the Case may be, to the end that such Person may be removed by an Order from the Office of the said Secretary at War, or Chief Secretary in *Ireland*, and proceeded against according to Law; and such Justice shall also send to the Secretary at War a Report, stating the Names of the Persons by whom the Deserter was apprehended and secured; and the Secretary at War shall transmit to such Justice an Order for the Payment to such Persons of such Sum, not exceeding Forty Shillings, as the Secretary at War shall be satisfied they are entitled to, according to the true Intent and Meaning of this Act: Provided also, that the Fee or Reward taken by any Justice or his Clerk, in respect of any Information, Commitment, or Report as aforesaid, shall in no Case exceed the Sum of Two Shillings.

Fraudulent
Confession of
Desertion.

XXIII. And be it enacted, That any Person who shall voluntarily deliver himself up as a Deserter from His Majesty's Forces or the embodied Militia, or the Forces of the *East India* Company, or who, upon being apprehended for any Offence, shall, in the Presence of the Justice, confess himself to be a Deserter as aforesaid, shall be deemed to have been duly enlisted and to be a Soldier, and shall be liable to serve in any of His Majesty's Forces, as His Majesty shall think fit to appoint, whether such Person shall have been ever actually enlisted as a Soldier or not; or shall be liable to be punished as a Rogue and Vagabond, or may be prosecuted and

and punished for obtaining Money under false Pretences; and the Confession and receiving Subsistence as a Soldier by such Person shall be Evidence of the false Pretence and obtaining Money; and if the Person so confessing himself to be a Deserter shall be serving at the Time in any of His Majesty's Forces; he shall be deemed to be and shall be dealt with as a Deserter.

XXIV. And be it enacted, That any Recruit who shall desert prior to joining the Regiment for which he has enlisted, and who shall, on being apprehended, and committed for such Desertion by any Justice of the Peace upon the Testimony of One or more Witnesses upon Oath, or upon his own Confession, shall be liable to be transferred to any Regiment or Depôt nearest to the Place where such Recruit shall have been apprehended, or to any other Regiment to which His Majesty may deem it more desirable that he should be transferred: Provided always, that all Cavalry Recruits so convicted of Desertion shall be transferred to Cavalry Regiments, and Infantry Recruits to Infantry Regiments; and that such Deserters thus transferred shall not be liable to other Punishment for the Offence, nor to any other Penalty, except the Forfeiture of their personal Bounty, reserving only for them that Part of the Bounty which is applicable to and required for the Provision of Necessaries.

Recruits desert-
ing liable to be
transferred to
the nearest
Regiment or
Depôt.

XXV. And be it enacted, That every Person who shall, in any Part of His Majesty's Dominions, directly or indirectly persuade any Soldier to desert, shall suffer such Punishment by Fine or Imprisonment, or both, as the Court before which the Conviction may take place shall adjudge; and every Person who shall assist any Deserter, knowing him to be such, in deserting or in concealing himself, shall forfeit for every such Offence the Sum of Twenty Pounds.

Penalty for in-
ducing or assist-
ing to desert.

XXVI. And be it enacted, That every Commissioned Officer who shall, without Warrant from One or more of His Majesty's Justices, forcibly enter into or break open the Dwelling House or Outhouses of any Person whomsoever, under Pretence of searching for Deserters, shall, upon due Proof thereof, forfeit the Sum of Twenty Pounds.

Penalty for
forcible Entry.

XXVII. And be it enacted, That every Gaoler and Keeper of any Prison or House of Correction in every Part of His Majesty's Dominions shall, upon the Order in Writing of any Commanding Officer of a District, Garrison, Regiment, or Corps, (as the Case may be,) receive into his Custody any Soldier under Sentence of Imprisonment by a General or other Court-martial, and keep him in a proper Place of Confinement, with or without hard Labour, according to the Sentence of the Court, and during the Time specified in the said Order, or until he be discharged, or shall, although the Period for which the Soldier was originally committed may not have expired, deliver him up to any Person producing an Order in Writing to that Effect from any such Commanding Officer as aforesaid; and every such Gaoler who shall refuse to receive and to confine any such Non-commissioned Officer or Soldier in manner as aforesaid shall forfeit for every such Offence the Sum of One hundred Pounds.

Custody of Of-
fenders under a
Military Sen-
tence.

XXVIII. And be it enacted, That the Gaoler or Person having the immediate Inspection of any Prison, Gaol, or House of Correction in every Part of His Majesty's Dominions, shall diet and supply

Custody of
Deserters.

supply every Soldier with Fuel and other Necessaries, according to the Regulations of the Prison to which he shall be committed, and shall receive on account of every Soldier, during the Period of his Imprisonment, Sixpence *per Diem*, which the Secretary at War shall cause to be issued out of the Subsistence of such Soldier, upon Application in Writing, signed by any Justice within whose Jurisdiction such Place of Confinement shall be locally situated, together with a Copy of the Order of Commitment, and which Sum of Sixpence *per Diem* shall be carried to the Credit of the Fund from which the Expence of such Prison or House of Correction is defrayed; and such Gaoler is hereby required to receive and confine every Deserter who shall be delivered into his Custody by any Soldier conveying such Deserter under lawful Authority, on Production of the Warrant of the Justice of the Peace on which such Deserter shall have been taken, or some Order from the Office of the Secretary at War, or Chief Governor or Governors of *Ireland*; and such Gaoler shall be entitled to One Shilling for the safe Custody of the said Deserter, while halted on the March, and to such Subsistence for his Maintenance as shall be directed by His Majesty's Regulations.

Notice of Expiration of Imprisonment.

XXIX. And be it enacted, That every Gaoler, to whom any Notice shall have been given that any Person in his Custody for any Offence is a Soldier liable to serve His Majesty on the Expiration of his Imprisonment, shall give One Month's Notice of the Period of such Expiration of Imprisonment, or if there shall not be sufficient Time for a Month's Notice, then the longest practicable Notice thereof, to the Secretary at War, or, if in *Ireland*, to the Chief Secretary.

Persons subject to this Act.

XXX. And be it enacted, That all the Provisions of this Act shall apply to all Persons employed on the Recruiting Service receiving Pay in respect of such Service, and to the Forces of the *East India* Company, while they shall be in any Part of the United Kingdom, and until their Arrival in the Territories of the *East India* Company, and to the Officers and Persons now or hereafter serving and hired to be employed in the Royal Artillery and Field Train, and Master Gunners and Gunners, and Conductors of Stores, and in the Regiment of Royal Engineers, and the Corps of Royal Sappers and Miners, and in the Corps of Royal Military Surveyors and Draftsmen, in the Ordnance and in the Commissariat Departments, and who are or shall be serving with any Part of His Majesty's Forces, at Home or Abroad, under the Command of any Officer having Commission from His Majesty, and all Storekeepers and other Civil Officers who are or shall be employed by or act under the Ordnance at any of His Majesty's Ordnance Establishments at Foreign Stations; provided that nothing in this Act contained shall extend to affect any Security which has been given by such Storekeeper, Barrack Master, or other Officer, or their Sureties, for the due Performance of their respective Offices, under the Provisions of an Act passed in the Fiftieth Year of the Reign of His late Majesty, to regulate the taking of Securities in all Offices, but that such Bonds and other Securities shall be and remain in full Force and Effect.

Foreign Troops in this Country.

XXXI. And be it enacted, That all Officers and Soldiers of any Troops, being mustered and in Pay, which shall be raised and

and serving in any of His Majesty's Dominions Abroad, or in Places in possession of or occupied by His Majesty's Subjects, under the Command of any Officer having any Commission immediately from His Majesty, shall be liable to Martial Law in like Manner as His Majesty's other Forces are; and if such Officers and Soldiers, having been made Prisoners, be sent into *England* or *Ireland*, although not allowed to serve therein, all the Provisions of this Act, in regard to billeting Soldiers, shall apply to such Officers and Soldiers.

XXXII. And be it enacted, That nothing in this Act contained shall in anywise be construed to extend to any of the Militia Forces or Yeomanry or Volunteer Corps in *Great Britain* or *Ireland*, excepting only in such Cases wherein, by any Act or Acts for regulating any of the said Forces or Corps, the Provisions contained in any Act for punishing Mutiny and Desertion shall be specifically made applicable to the said Corps.

Militia and
Yeomanry.

XXXIII. And be it enacted, That this Act shall be construed to extend to the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, and the Islands thereto belonging, as to the Provisions therein for mustering and paying, and to the Provisions for the Trial and Punishment of Officers and Soldiers who shall be charged with Mutiny and Desertion, or any other of the Offences which are by this Act declared to be punishable by the Sentence of a General, or Garrison, or Detachment, or Regimental Court-martial, and also to the Provisions which relate to the Punishment of Persons who shall conceal Deserters, or shall knowingly buy, exchange, or otherwise receive any Arms, Clothes, Military Furniture, or Regimental Necessaries from any Soldier or Deserter, or who shall cause the Colour of any such Clothes to be changed.

Limitations
as to certain
Islands.

XXXIV. And be it enacted, That every Person who shall receive Enlisting Money from any Person employed in the Recruiting Service, he being an Officer, Non-commissioned Officer, or an attested Soldier, shall be deemed to be enlisted as a Soldier in His Majesty's Service, and while he shall remain with the Recruiting Party shall be entitled to be billeted; and every Person who shall enlist any Recruit shall first ask the Person offering to enlist whether he does or does not belong to the Militia, and shall cause to be taken down, in Writing, the Name and Place of Abode of such Recruit; and when any Person shall be enlisted as a Soldier in His Majesty's Land Service, he shall within Four Days, but not sooner than Twenty-four Hours after such Enlisting, appear, together with some Person employed in the Recruiting Service of the Party with which he shall have enlisted, before a Justice, or in *Scotland* before any Baillie of a Royal Burgh, residing in the Vicinity of the Place, and acting for the Division or District where such Recruit shall have been enlisted, and not being an Officer in the Army; and if such Recruit shall declare his having voluntarily enlisted, the said Justice shall put to him the several Questions contained in the Schedule to this Act annexed, and shall record or cause to be recorded, in Writing, his Answers thereunto; and the said Justice is hereby required forthwith to cause the Answers so recorded in Writing, and the First and Second Articles of the Second Section of the Articles of War against Mutiny and Desertion, to be read over in his own

Enlisting and
swearing of
Recruits.

Presence to such Recruit, and to administer to such Recruit the Oath in the Schedule to this Act annexed for limited or unlimited Service, or for Service in the Forces of the *East India Company*, as may be applicable to the Case of the Recruit, and no other Oaths, any thing in any Acts to the contrary notwithstanding; and the said Justice is hereby required to give, under his Hand, the Certificate in the Schedule to this Act annexed; and if any such Recruit so to be certified shall refuse to take the Oath in the Schedule to this Act annexed before the said Justice, it shall be lawful for the Officer or Non-commissioned Officer with whom he enlisted to detain and confine such Person until he shall take the said Oath of Fidelity.

Dissent and
Relief from
Enlistment.

XXXV. And be it enacted, That any Recruit appearing as aforesaid before such Justice shall be at liberty to declare his Dissent to such Enlisting, and upon such Declaration, and returning the Enlisting Money, and also paying the Sum of Twenty Shillings for the Charges expended upon him, together with the full Amount of Subsistence and Beer Money which shall have been paid to such Recruit subsequent to the Period of his having been enlisted, shall be forthwith discharged and set at liberty in the Presence of such Justice; but if such Person shall refuse or neglect, within the Space of Twenty-four Hours after so declaring his Dissent, to return such Money as aforesaid, he shall be deemed and taken to be enlisted as if he had given his Assent thereto before the said Justice: Provided also, that it shall be lawful for any Justice to discharge any Person who shall have hastily enlisted, and who shall apply to him to declare his Dissent within such Four Days as aforesaid, upon Payment of the Sum of Money required to be paid by any Recruit declaring his Dissent under this Act, notwithstanding no Person belonging to the Recruiting Party shall be with the Recruit, if it shall appear to such Justice, upon Proof to his Satisfaction, that the Recruiting Party has left the Place where such Recruit was enlisted, or that the Recruit could not procure any Person belonging to such Party to go with him before the Justice; and the Sum paid by such Recruit upon his Discharge shall be kept by the Justice, and paid to any Person belonging to the Recruiting Party entitled thereto demanding the same; provided that no Recruit who has been actually, though erroneously, discharged by the Justice before the Expiration of Twenty-four Hours after the Time of his Enlistment, shall be liable on that Account to be proceeded against as having deserted from His Majesty's Service; and the Justice who shall discharge any Recruit shall in every Case give a Certificate thereof, signed with his Hand, to the Recruit, specifying the Cause thereof.

Offences con-
nected with
Enlistment.

XXXVI. And be it enacted, That if any Recruit shall receive the Enlisting Money from any Person employed in the Recruiting Service (knowing it to be such), and shall abscond or refuse to go before such Justice, or shall thereafter absent himself from the Recruiting Party or Person with whom he enlisted, and shall not voluntarily return to go before some Justice within such Period of Four Days aforesaid, such Recruit shall be deemed to be enlisted and a Soldier in His Majesty's Service, as fully to all Intents and Purposes as if he had been duly attested, and may be apprehended and punished as a Deserter, or for being absent without Leave,
under

under any Articles of War made for Punishment of Mutiny and Desertion; and such Recruit shall not be discharged by any Justice of the Peace after the Expiration of such Four Days as aforesaid, unless it shall be proved to the Satisfaction of such Justice that the true Name and Residence of the Recruit was disclosed and known to the Recruiting Party, and that no Notice was given to the Recruit, or left at his usual Place of Abode, of his having so enlisted; provided that in every Case wherein any Recruit shall have received Enlisting Money, and shall have absconded from the Party, so that it shall not be possible immediately to apprehend and bring him before a Justice, the Officer or Non-commissioned Officer commanding the Party shall produce to the Justice before whom the Recruit ought regularly to have been brought for Attestation a Certificate of the Name and Place of Residence of such Recruit; and the Justice to whom such Certificate shall be produced shall, after satisfying himself that the Recruit who had absconded cannot be found and apprehended, transmit a Duplicate thereof to His Majesty's Secretary at War, or, if in *Ireland*, to the Chief Secretary, in order that, in the event of such Recruit being afterwards apprehended and reported as a Deserter, the Facts of his having received Enlisting Money, and having absconded after having been enlisted, may be ascertained before he be finally adjudged to be a Deserter; and any Recruit who shall enlist into His Majesty's Forces, and who shall be discovered to be incapable of active Service by reason of any Infirmary concealed or not declared by such Recruit before the Justice at the Time of his Attestation, and mentioned therein, may be transferred into any Garrison or Veteran or Invalid Battalion, or into His Majesty's Marine Forces, notwithstanding he shall have enlisted for any particular Regiment, and shall be entitled to receive such Proportion or Residue of Bounty only as His Majesty may allow in that Behalf, instead of the Bounty upon which such Man shall have been enlisted, any thing in any Act or Acts, or any Rules and Regulations relating to Soldiers, to the contrary notwithstanding; and it shall be lawful for any Two Justices before whom such Recruit shall be brought, and who shall be proved, upon Oath before them, to have concealed his having been a Soldier and discharged, or to have concealed his having been discharged upon any prior Enlistment, or to have wilfully concealed any such Infirmary upon being attested, or to have designedly made any false Representation as aforesaid, to adjudge such Person to be a Rogue and Vagabond, and to sentence him to such Punishment as by any Law now in force may be inflicted upon Rogues and Vagabonds and Vagrants and incorrigible Rogues; and any Recruit who shall designedly make any false Representation of any Particular contained in the Oaths and Certificates in the Schedule to this Act annexed, before the Justice, at the Time of his Attestation, and shall obtain any Enlisting Money or Bounty for entering into His Majesty's Service, or any other Money, shall be deemed guilty of obtaining Money under false Pretences, within the true Intent and Meaning, if in *England*, of an Act, intituled *An Act for consolidating and amending the Laws in England* 7 & 8 G. 4. c. 29. *relative to Larceny and other Offences connected therewith*; and if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His late Majesty, intituled *An Act for consolidating and amending the* 9 G. 4. c. 55. *Laws*

Laws in Ireland relative to Larceny and other Offences connected therewith; and the Production of such Certificate, and Proof of the Handwriting of the Justice giving such Certificate, shall be sufficient Evidence of such Party having represented the several Particulars contained in the Oath sworn by him, and specified in the Certificate of the Justice at the Time of his being attested; and that Proof by the Oath of One or more credible Witnesses, that the Person so prosecuted hath voluntarily acknowledged that at the Time of his Enlistment he belonged to the Militia, or to any Regiment in His Majesty's Service, or to His Majesty's Navy or Marines, shall be deemed and taken as Evidence of the Fact so by him acknowledged, without Production of any Roll or other Document to prove the same; and any Man having been enrolled to serve in the Militia at the Time of offering to enlist shall deny that he is a Militia Man then actually enrolled and engaged to serve, or shall deny to the Justice before whom he shall be attested that he belongs to the Militia, shall, on Conviction thereof before any One Justice in the United Kingdom, either upon Oath of One Witness or upon his own Confession, or upon the Production of the Attestation, and the before-mentioned Declaration of such Person, certified by the Secretary at War or Deputy Secretary at War, be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for and during any Time not exceeding Six Calendar Months, over and above any Penalty or Punishment to which such Person so offending may be otherwise liable; and shall, from the Day on which his Engagement to serve in the Militia shall end, and not sooner, belong as a Soldier to the Corps of His Majesty's Regular Forces, or of the *East India Company's Forces*, into which he shall have so enlisted; provided that every such Person shall be liable to serve, within the United Kingdom of *Great Britain and Ireland*, in any Regiment, Battalion, or Corps of His Majesty's Regular Forces, or of the *East India Company's Forces*, in which he has so enlisted, during all the Time the Militia to which he shall belong shall remain disembodied, or shall not be called out for Training or Exercise, and shall during all such Time be subject to all the Provisions of this Act, and liable to be apprehended and dealt with and punished as a Deserter from the Corps in which he shall have so enlisted, if he shall neglect or refuse to join and serve in such Corps as aforesaid.

Penalty on
Officers offend-
ing against
Laws regarding
Enlistment.

XXXVII. And be it enacted, That every Military Officer, who shall act contrary to the Provisions of this Act in any respect regarding the enlisting and attesting of Recruits for His Majesty's Service, shall, upon Proof thereof upon Oath by Two Witnesses before a General Court-martial, which is hereby authorized to administer such Oath, be cashiered, and disabled to hold any Civil or Military Office or Employment in His Majesty's Service.

Enlistment and
Re-enlistment
Abroad.

XXXVIII. ' And whereas it is expedient that Provision should be made for the enlisting and attesting of Soldiers desirous of re-enlisting, and others desirous of enlisting, Abroad,' be it therefore enacted, That it shall be lawful for any Person duly appointed by His Majesty by any Warrant signed by the Secretary at War in that Behalf, and not being a General Officer nor holding any Regimental Commission, to enlist and attest, out of *Great Britain or Ireland*, any Soldiers or Persons desirous of enlisting

or re-enlisting into His Majesty's Service; and any Person so appointed shall have the same Powers in that Behalf as are given to Justices in the United Kingdom for all such Purposes of Enlistment and Attestation; and any Person so enlisted or re-enlisted shall be deemed to be an attested Soldier; and as often as any Corps shall be relieved or be disbanded at any Station beyond the Seas, it shall be lawful for any Officers thereunto authorized by the Officer commanding in chief at such Station to enlist as many of the Soldiers belonging to the Corps leaving the Station as shall be willing and fit for Service for any Corps appointed to remain; and every Soldier so enlisted is hereby deemed to be discharged from his former Corps; and an attested Certificate of Transfer shall be delivered to the Soldier.

XXXIX. And be it enacted, That all Negroes purchased by or on account of His Majesty, His Heirs and Successors, and serving in any of His Majesty's Forces, shall be deemed and taken to be free in every respect as if born free in any Part of His Majesty's Dominions, and shall be considered as Soldiers having voluntarily enlisted in His Majesty's Service; provided that nothing contained in this Act as to enlisting for limited Periods of Service, or in any other Act as to any Rules or Regulations for granting Pensions or Allowances to Soldiers discharged after certain Periods of Service, shall extend to any Negroes so purchased. Enlistment of Negroes.

XL. And be it enacted, That any Person duly bound as an Apprentice who shall enlist as a Soldier in His Majesty's or the *East India* Company's Service, and shall state to the Magistrate before whom he shall be carried and attested that he is not an Apprentice, shall be deemed guilty of obtaining Money under false Pretences within the true Intent and Meaning of the before-recited Acts, and shall, after the Expiration of his Apprenticeship, whether he shall have been so convicted and punished or not, be liable to serve as a Soldier in any of His Majesty's Regular Forces, or in the Forces of the *East India* Company, according to the Terms of the Enlistment; and if on the Expiration of his Apprenticeship he shall not deliver himself up to some Officer authorized to receive Recruits, may be taken as a Deserter from His Majesty's Forces. Apprentice enlisting to be liable to serve after the Expiration of his Apprenticeship.

XLI. And be it enacted, That no Master shall be entitled to claim an Apprentice who shall enlist as a Soldier in His Majesty's or the *East India* Company's Service, unless he shall, within One Calendar Month after such Apprentice shall have left his Service, go before some Justice and take the Oath mentioned in the Schedule to this Act annexed, and produce the Certificate of such Justice of his having taken such Oath, which Certificate such Justice is required to give in the Form in the Schedule to this Act annexed; and unless such Apprentice shall have been bound, if in *England*, for the full Term of Seven Years, not having been above the Age of Fourteen when so bound, and, if in *Ireland* or in the *British Isles*, for the full Term of Five Years at the least, not having been above the Age of Sixteen when so bound, and, if in *Scotland*, for the full Term at least of Four Years, by a regular Contract or Indenture of Apprenticeship, duly extended, signed, and tested, and binding on both Parties by the Law of *Scotland*, prior to the Period of Enlistment; and unless such Contract or Indenture so duly executed shall, within Three Months after the Commence-
ment Claims of Masters to Apprentices.

ment of the Apprenticeship, and before the Period of Enlistment, have been produced to a Justice of the Peace of the County wherein the Parties reside, and there shall have been indorsed thereon by such Justice a Certificate or Declaration signed by him, specifying the Date when and the Person by whom such Contract or Indenture shall have been so produced, which Certificate or Declaration such Justice of the Peace is hereby required to indorse and sign; and unless such Apprentice shall, when claimed by such Master, be under Twenty-one Years of Age; provided that any Master of an Apprentice indentured for the Sea Service shall be entitled to claim and recover him in the Form and Manner above directed, notwithstanding such Apprentice may have been bound for a less Term than Seven, Five, or Four Years as aforesaid; and any such Master who shall give up the Indentures of Apprenticeship within One Month after the enlisting of such Apprentice shall be entitled to receive, to his own Use, so much of the Bounty payable to such Recruit, after deducting therefrom Two Guineas to provide him with Necessaries, as shall not have been paid to such Recruit before Notice given of his being an Apprentice.

Punishment of
Apprentices en-
listing.

XLII. And be it enacted, That no Apprentice claimed by his Master shall be taken from any Corps or Recruiting Party but under a Warrant of a Justice residing near and within whose Jurisdiction such Apprentice shall then happen to be, before whom he shall be carried, and such Justice shall inquire into the Matter upon Oath, which Oath he is hereby empowered to administer, and shall require the Production and Proof of the Indenture, and that Notice of the said Warrant has been given to the Commanding Officer, and a Copy thereof left with some Officer or Non-commissioned Officer of the Party, and that such Person so enlisted declared that he was no Apprentice; and such Justice, if required by such Officer or Non-commissioned Officer, shall commit the Offender to the Common Gaol of the said Place, and shall keep the Indenture, to be produced when required, and shall bind over such Person as he may think proper to give Evidence against the Offender, who shall be tried at the next or at the Session immediately succeeding the next General or Quarter Sessions of the County, Division, or Place, unless the Court shall on just Cause put off the Trial; and the Production of the Indenture, with the Certificate of the Justices that the same was proved, shall be sufficient Evidence of the said Indenture; and every such Offender, in *Scotland*, may be tried by the Judge Ordinary in the County or Stewartry, in such and the like Manner as any Person may be tried in *Scotland* for any Offence not inferring a Capital Punishment; provided that any Justice not required as aforesaid to commit such Apprentice may deliver him to his Master.

Musters, and
Penalty on false
Musters.

XLIII. And be it enacted, That Musters shall be taken of every Regiment, Troop, or Company in His Majesty's Service Twice at least in every Year, at such Times as shall be appointed; and no Soldier shall be absent from such Musters, unless properly certified to be employed on some other Duty of the Regiment, or to be sick, or in Prison, or on Furlough; and every Person who shall give or procure to be given any untrue Certificate, whereby to excuse any Soldier for his Absence from any Muster or any other Service which he ought to attend or perform, or shall make any

any false or untrue Muster of Man or Horse, or shall wittingly or willingly allow or sign the Muster Roll wherein such false Muster is contained, or any Duplicate thereof, or who shall directly or indirectly take or cause to be taken any Money or Gratuity for mustering any Soldiers, or for signing any Muster Rolls or Duplicate thereof, or shall knowingly muster any Person by a wrong Name, upon Proof thereof upon Oath made by Two Witnesses before a General Court-martial, shall for such Offence be forthwith cashiered, and shall be thereby utterly disabled to have or hold any Civil or Military Office or Employment within the United Kingdom of *Great Britain* and *Ireland*, or in His Majesty's Service; and if the Person giving such untrue Certificate shall not have any Military Commission, he shall forfeit for every such Offence the Sum of Fifty Pounds; and any Person who shall falsely be mustered or offer himself to be mustered, or lend or furnish any Horse to be falsely mustered, shall, upon Oath made by Two Witnesses before some Justice of the Peace residing near the Place where such Muster shall be made, forfeit the Sum of Twenty Pounds; and the Informer, if he belongs to His Majesty's Service, shall, if he demand it, be forthwith discharged.

XLIV. And be it enacted, That Forty-eight Hours Notice shall be given to Six Justices, not being Officers of the Army, residing within the City and Liberties of *Westminster* and Borough of *Southwark*, of the Muster to be taken of His Majesty's Forces quartered within the said City and Liberties and Borough; and no Officer shall proceed to take such Musters, under Penalty of Fifty Pounds, except in the Presence of Two or more Justices, who shall take cognizance of such Muster, and sign the same, unless such Justices shall neglect to attend, of which Neglect, as well as of the proper Notice being given to such Justices, Oath shall be made, within Forty-eight Hours after such Muster, before any Justice; and the Officer appointed to take the Half-yearly Musters of any of His Majesty's Forces, at any Place Ten Miles distant from *London*, shall close the Muster Rolls within Twenty-four Hours after the said Muster has been made, and send a Copy thereof, within Seven Days, to the Secretary at War.

Musters in and near Westminster.

XLV. And be it enacted, That any Soldier who shall absent himself without Leave, or who shall desert, shall, on Conviction by a General or other Court-martial, in addition to any Punishment awarded by such Court, forfeit his Pay for the Days on which he has so absented himself without Leave, or on which he has been absent by such Desertion, and that no Soldier shall be entitled to Pay or to reckon Service towards Pay or Pension when in Confinement under any Sentence of any Court, or during any Absence from Duty by Commitment under the Civil Power on a Charge of any Offence cognizable by a Civil or Criminal Court, or by reason of any Arrest for Debt, or as a Prisoner of War; provided that any Soldier, acquitted of the Offence for which he was committed, shall, upon Return to his Duty in his Corps, be entitled to receive all Arrears of Pay growing due, and to reckon Service during his Absence or Confinement; and upon rejoining His Majesty's Service from being a Prisoner of War, due Inquiry shall be made by a Court-martial, and if it shall be proved to the Satisfaction of such Court that the said Soldier was taken Prisoner without wilful

Forfeiture of Pay.

Neglect

Neglect of Duty on his Part, and that he hath not served with or under or in any Manner aided the Enemy, and that he hath returned as soon as possible to His Majesty's Service, he may thereupon be recommended by such Court to receive either the Whole of such Arrears of Pay, or a Proportion thereof, or to reckon Service during his Absence; provided that it shall be lawful for His Majesty's Secretary at War to order or withhold the Payment of the Whole or any Part of the Pay of any Officer or Soldier during the Period of Absence by any of the Causes aforesaid.

Extension of
Furlough in case
of Sickness.

XLVI. And be it enacted, That when there shall not be any Military Officer of Rank, not inferior to Captain, or any Adjutant of Regular Militia, within convenient Distance of the Place where any Non-commissioned Officer or Soldier on Furlough shall be detained by Sickness or other Casualty rendering necessary any Extension of such Furlough, it shall be lawful for any Justice who shall be satisfied of such Necessity to grant an Extension of Furlough for a Period not exceeding One Month; and the said Justice shall immediately certify such Extension, and the Cause thereof, to the Commanding Officer of the Corps or Detachment to which the Man belongs, if known, and if not, then to the Agent of the Regiment, in order that the proper Sum may be remitted to the Soldier, who shall not during the Period of such Extension of Furlough be liable to be treated as a Deserter; provided that nothing herein contained shall be construed to exempt any Soldier from Trial and Punishment, according to the Provisions of this Act, for any false Representation made by him in that Behalf to the said Justice, or for any Breach of Discipline committed by him in applying for and obtaining the said Extension of Furlough.

Marching
Money on Dis-
charge.

XLVII. And be it enacted, That every Soldier entitled to his Discharge shall, if then serving Abroad, be sent, if he shall so require it, to *Great Britain* or *Ireland* free of Expence, and shall be entitled to receive Marching Money from the Place of his being landed (or, if discharged at Home, shall receive Marching Money from the Place of his Discharge,) to the Parish or Place in which he shall have been originally enlisted, or at which he shall at the Time of his Discharge decide to take up his Residence, such Place not being at a greater Distance from the Place of Discharge than the Place of his original Enlistment.

Commissaries
to attest their
Accounts.

XLVIII. And be it enacted, That all Commissaries upon making up their Accounts, and also upon returning from any Foreign Service, shall take the Oath described in the Schedule to this Act annexed; which Oath, if taken in any Part of the United Kingdom, shall be taken before some Justice, and if taken on Foreign Service, before the Officer commanding in chief, or the Second in command, or the Quarter Master or Deputy Quarter Master General or any Assistant Quarter Master General of the Army to which he shall be attached, who shall respectively have Power to administer the same.

Issue of Pay of
the Army.

XLIX. And be it enacted, That no Secretary at War, Paymaster General of the Army, Paymaster, or any other Officer whatsoever, or their under Officers, shall receive any Fees or make any Deductions whatsoever out of the Pay of any Officer or Soldier in His Majesty's Army, or from their Agents, which shall grow due from and after the Twenty-fifth Day of *April* One thousand

thousand eight hundred and thirty-three, other than the usual Deductions, or such other necessary Deductions as shall from Time to Time be required by His Majesty's Regulations, or by His Majesty's Order signified by the Secretary at War; and every Paymaster or other Officer having received any Officer's or Soldier's Pay, who shall unlawfully detain the same for the Space of One Month, or refuse to pay the same when it shall become due, according to the several Rates and agreeable to the several Regulations established by His Majesty's Orders, shall, upon Proof thereof before a Court-martial, be discharged from his Employment, and shall forfeit One hundred Pounds, and the Informer, if a Soldier, if he demands it, shall be discharged from any further Service; provided that it shall be lawful for His Majesty's Secretary at War to give Orders for withholding the Pay of any Officer or Soldier for any Period during which such Officer, Non-commissioned Officer, or Soldier shall be absent without Leave, or improperly absent from his Corps and from his Duty; or, in case of any Doubt as to the proper Issue of Pay, to withhold it from the Parties aforesaid until His Majesty's Orders shall have been signified by the Secretary at War.

L. ' And for enforcing a prompt Observance of the Rules and Orders for the due Appropriation of the Public Funds applicable to Army Services, and in order that a true and regular Account may be kept and rendered by the Agents of the several Corps,' be it enacted, That the said Agents are hereby required to observe such Orders as shall from Time to Time be given by His Majesty under His Sign Manual, or by the Secretary at War, or by His Majesty's Chief Governor or Governors of *Ireland*, or by the Lord Treasurer or Commissioners of the Treasury; and if any Person, being or having been an Agent, shall refuse or neglect to comply with such Orders in relation to his Duty as Agent, or shall unlawfully withhold or detain the Pay of any Officer or Soldier after the Space of One Month after the Receipt thereof, he shall for the First Offence forfeit the Sum of One hundred Pounds; and, if still an Agent, for the Second Offence be discharged from his Employment as an Army Agent, and be utterly disabled to have or hold such Employment thereafter; or, if he shall have ceased to be an Army Agent, shall for the Second and every succeeding Offence forfeit the Sum of Two hundred Pounds.

Penalty for Disobedience by Agents.

LI. ' And whereas by Petition of Right, in the Third Year of King *Charles* the First, it is enacted and declared, that the People of the Land are not by the Laws to be burthened with the sojourning of Soldiers against their Wills; and by a Clause in an Act of the Parliament of *England*, made in the Thirty-first Year of the Reign of King *Charles* the Second, for granting a Supply to His Majesty of Two hundred and six thousand four hundred and sixty-two Pounds Seventeen Shillings and Three-pence, for paying and disbanding the Forces, it is declared and enacted, that no Officer, Civil or Military, nor other Person whomsoever, should thenceforth presume to place, quarter, or billet any Soldier upon any Subject or Inhabitant of this Realm, of any Degree, Quality, or Profession whatsoever, without his Consent, and that it shall be lawful for any Subject or Inhabitant to refuse to quarter any Soldier, notwithstanding any Warrant or Billetting whatso-

How and where Troops may be billeted.

‘ whatsoever : And whereas by an Act passed in *Ireland* in the
‘ Sixth Year of the Reign of Queen *Anne*, intituled *An Act to*
‘ *prevent the Disorders that may happen by the marching of Soldiers,*
‘ *and providing Carriages for the Baggage of Soldiers on their*
‘ *March*, it was enacted, that no Officer, Soldier, or Trooper in
‘ the Army, nor the Servant of any Officer, nor any Attendant
‘ on the Train of Artillery, should, at any Time thereafter, be
‘ allowed any Quarters in any Part of *Ireland*, save only during
‘ such Time as he or they should be and remain in some Seaport
‘ Town in order to be transported, or during such Time as there
‘ should be any Commotion in any Part of *Ireland*, by reason of
‘ which Emergency the Army should be commanded to march
‘ from any Part of *Ireland* to another :’ But forasmuch as at this
Time, during the Continuance of this Act, there is and may be
Occasion for the marching and quartering of Regiments, Troops,
and Companies in several Parts of the United Kingdom of *Great*
Britain and Ireland, be it further enacted, That it shall be lawful
for all Constables of Parishes and Places, and other Persons specified
in this Act, in *England and Ireland*, and they are hereby required,
to billet the Officers and Soldiers in His Majesty’s Service, and
Persons receiving Pay in His Majesty’s Army, and the Horses
belonging to His Majesty’s Cavalry, and also all Staff and Field
Officers Horses, and all Bât and Baggage Horses belonging to
any of His Majesty’s other Forces, when on actual Service, not
exceeding for each Officer the Number for which Forage is or
shall be allowed by His Majesty’s Regulations, in Victualling
Houses and other Houses specified in this Act (taking care in
Ireland not to billet less than Two Men in any One House, except
only in case of billeting Cavalry as specially provided) ; and that
they shall be received by the Occupiers of such Houses in which
they are so allowed to be billeted, and be furnished with proper
Accommodation in such Houses, and in *England* with Diet and
Small Beer, and with Stables, Hay, and Straw for such Horses as
aforesaid, paying and allowing for the same the several Rates
herein-after provided ; and at no Time when Troops are on a
March shall any of them, whether Infantry or Cavalry, be billeted
above One Mile from the Place mentioned in the Route ; and in
all Places where Cavalry shall be billeted in pursuance of this
Act, the Men and their Horses shall be billeted in one and the
same House, except in case of Necessity ; and in no other Case
whatsoever shall there be less than One Man billeted where there
shall be One or Two Horses, nor less than Two Men where there
shall be Four Horses, and so in proportion for a greater Number ;
and in no Case shall a Man and his Horse be billeted at a greater
Distance from each other than One hundred Yards ; and the Con-
stables are hereby required to billet all Soldiers and their Horses
on their March in a just and equal Proportion upon the Keepers
of all Houses within One Mile of the Place mentioned in the
Route, although some of such Houses may be in the adjoining
County, in like Manner in every respect as if such Houses were
locally situate within such Place ; provided that nothing herein
contained shall be construed to extend to authorize any Constable to
billet Soldiers out of the County to which such Constable belongs,
when the Constable of the adjoining County shall be present and
undertake

undertake to billet the due Proportion of Men in such adjoining County; and no more Billets shall at any Time be ordered than there are effective Soldiers and Horses present to be billeted; all which Billets, when made out by such Constables, shall be delivered into the Hands of the Commanding Officer present; and if any Person shall find himself aggrieved by having an undue Proportion of Soldiers billeted in his House, and shall prefer his Complaint, if against a Constable or other Person not being a Justice, to One or more Justices, and if against a Justice, then to Two or more Justices, within whose Jurisdiction such Soldiers are billeted, such Justices respectively shall have Power to order such of the Soldiers to be removed, and to be billeted upon other Persons, as they shall see Cause; and when any of His Majesty's Cavalry or any Horses as aforesaid shall be billeted upon the Occupiers of Houses in which Officers or Soldiers may be quartered by virtue of this Act, who shall have no Stables, then and in such Case, upon the written Requisition of the Commanding Officer of the Regiment, Troop, or Detachment, the Constable is hereby required to billet the Men and their Horses, or Horses only, upon some other Person or Persons who have Stables by this Act liable to have Officers and Soldiers billeted upon them; and upon Complaint being made by the Person or Persons to whose House or Stables the said Men and Horses shall have been so removed to Two or more Justices within whose Jurisdiction such Men or Horses shall be so billeted, it shall be lawful for such Justices to order a proper Allowance to be paid by the Persons relieved to the Persons receiving such Men and Horses, or to be applied in the furnishing the requisite Accommodation; and Commanding Officers may exchange any Man or Horse billeted in any Place with another Man or Horse billeted in the same Place, for the Benefit of the Service, provided the Number of Men and Horses do not exceed the Number at that Time billeted on such Houses; and the Constables are hereby required to billet such Men and Horses so exchanged accordingly; and it shall be lawful for any Justice, at the Request of any Officer or Non-commissioned Officer commanding any Soldiers requiring Billets, to extend any Routes or enlarge the District within which Billets shall be required, in such Manner as shall appear to be most convenient to the Troops; provided that, to prevent or punish all Abuses in billeting Soldiers, it shall be lawful for any Justice within his Jurisdiction, by Warrant or Order under his Hand, to require any Constable to give him an Account in Writing of the Number of Officers and Soldiers who shall be quartered by such Constable, together with the Names of the Persons upon whom such Officers and Soldiers are billeted, stating the Street or Place where such Persons dwell, and the Sign, if any, belonging to those Houses; and it shall be lawful to billet Officers and Soldiers in *Scotland* according to the Provisions of the Laws in force in *Scotland* at the Time of its Union with *England*; and no Officer shall be obliged to pay for his Lodging where he shall be regularly billeted, except in the Suburbs of *Edinburgh*.

LII. And be it enacted, That the Officers and Soldiers of His Majesty's Foot Guards shall be billeted within the City and Liberties of *Westminster*, and Places adjacent, lying in the County of

Billeting the
Guards in and
near *Westminster*.

Middlesex, (except the City of *London*,) and in the County of *Surrey*, and in the Borough of *Southwark*, in the same Manner and under the same Regulations as in other Parts of *England*, in all Cases for which particular Provision is not made by this Act; and the High Constable shall, on Receipt of the Order for billeting Soldiers, deliver Precepts to the several Constables within their respective Divisions, in pursuance of which the said Constables shall billet such Officers and Soldiers equally and proportionally on the Houses subjected thereto by this Act; and the said Constables shall, at every General Quarter Sessions of the Peace to be holden for the said City and Liberties, Counties and Boroughs respectively, make and deliver to the Justices then in open Session assembled, upon Oath, which Oath the said Justices are hereby required to administer, Lists, signed by them respectively, of the Houses subject by this Act to receive Officers and Soldiers, together with the Names and Rank of all Officers and Soldiers billeted on each respectively, which Lists shall remain with the respective Clerks of the Peace for the Inspection of all Persons, without Fee or Reward; and such Clerk shall forthwith from Time to Time deliver to any Persons who shall require the same true Copies of any such Lists, upon being paid Two-pence *per* Sheet for the same, each Sheet to contain at least One hundred and fifty Words.

Military Officer
not to act as a
Justice in billet-
ting.

LIII. And be it enacted, That no Justice having or executing any Military Office or Commission in any Part of the United Kingdom shall, directly or indirectly, be concerned in the billeting or appointing Quarters for any Soldier in the Regiment, Troop, or Company under the immediate Command of such Justice, but that all Warrants, Acts, or Things so appointed by such Justice for or concerning the same shall be void.

Allowance to
Innkeepers.

LIV. And be it enacted, That the Innholder or other Person on whom any Soldier is billeted in *England* shall, if required by such Soldier, furnish him for every Day on the March, and for a Period not exceeding Two Days when halted at any intermediate Place upon the March, and for the Day of Arrival at the Place of final Destination, with One hot Meal in each Day, the Meal to consist of such Quantities of Diet and Small Beer as may be fixed by His Majesty's Regulations, not exceeding One Pound and a Quarter of Meat previous to being dressed, One Pound of Bread, One Pound of Potatoes or other Vegetables, and Two Pints of Small Beer, and Vinegar, Salt, and Pepper, and for such Meal the Innholder or other Person furnishing the same shall be paid the Sum of Ten-pence; and all Innholders, and other Persons on whom Soldiers may be billeted in *England*, except when on the March, and entitled to be furnished with the hot Meal as aforesaid, shall furnish such Soldier with Candles, Vinegar, and Salt, and shall allow them the Use of Fire, and of the necessary Utensils for dressing and eating their Meat, and shall be paid in consideration thereof the Sum of One Halfpenny *per Diem* for each Soldier; and the Sum to be paid to the Innholder or other Person on whom any of the Horses belonging to His Majesty's Forces shall be billeted in *England*, for Hay and Straw, shall be Ten-pence *per Diem* for each Horse, and in *Ireland* the Sum to be paid for Forage to the Innholder or other Person, for Horses billeted, by virtue of this Act, shall be the Rate estab-

lished by the Lord Lieutenant or other sufficient Authority from Time to Time, the same to be regulated by the average Rate of Contracts for Forage in *Ireland*, and for the Use of Stables in *Ireland*, when such Horses are provided with Hay and Straw by Contract, and not by the Occupiers of the Houses on which they are billeted, the Sum of Four-pence *per* Week for each Horse shall be paid; and every Officer to whom it belongs to receive or who does actually receive the Pay for any Officers or Soldiers shall every Four Days, or before they shall quit their Quarters if they shall not remain so long as Four Days, settle the just Demands of all Victuallers or other Persons upon whom such Officers and Soldiers are billeted, out of their Pay and Subsistence, before any Part of the said Pay or Subsistence be distributed to them respectively; and if any Officer as aforesaid shall not pay the same, upon Complaint and Oath made thereof by any Two Witnesses, at the next Quarter Session for the County or City where such Quarters were situated, the Secretary at War is hereby required (upon Certificate of the Justices before whom such Oath was made of the Sum due upon such Accounts, and the Persons to whom the same is owing,) to give Orders to the Regimental Agent to pay the said Sums, and to charge the same against such Officers; and in case of any Soldier being suddenly ordered to march, and that the respective Commanding Officers are not enabled to make Payment of the Sums due for the Lodging of the Men and Stabling for the Horses, every such Officer shall, before his Departure, make up the Account with every Person upon whom such Soldier may have been billeted, and sign a Certificate thereof; which Account and Certificate shall be transmitted to the Agent of the Regiment, who is hereby required to make immediate Payment thereof, and to charge the same to the Account of such Officer.

LV. And be it enacted, That all Clauses and Provisions in this Act contained relating to *England* shall be construed to extend to *Wales* and the Town of *Berwick-upon-Tweed*; and all Clauses and Provisions relating to the *British Isles* shall be construed to extend to *Guernsey, Jersey, Alderney, Sark, and Man*, and all Isles thereto and to *England and Ireland* belonging; and all Clauses and Provisions relating to Soldiers shall be construed to extend to Non-commissioned Officers, unless when otherwise provided; and all Clauses and Provisions relating to Justices shall be construed to extend to all Magistrates authorized to act as such in their respective Jurisdictions, and to Chief Magistrates of exclusive local Jurisdictions; and all the Powers given to and Regulations made for the Conduct of Constables in relation to the billeting of Officers and Soldiers, and all Penalties and Forfeitures for any Neglect thereof, shall extend to all Tithingmen, Headboroughs, and such like Officers, and High Constables and other Chief Officers and Magistrates of Cities, Towns, Villages, Hamlets, Parishes, and Places in *England and Ireland* who shall act in the Execution of this Act in relation to billeting; and all Provisions for billeting Officers and Soldiers in Victualling Houses shall extend and apply to all Inns, Livery Stables, Alehouses, and to the Houses of Sellers of Wine by Retail, whether *British* or Foreign, to be drank in their own Houses, or Places thereunto belonging, and to all Houses of Persons selling Brandy, Strong Waters, Cider,

Definition of
Terms.

Powers and
Regulations as
to Billets.

Exemptions
from Billets.

Cider, or Metheglin, by Retail in *England* and *Ireland*; and in *Ireland*, when there shall not be found sufficient Room in such Houses, then to billeting Soldiers in such Manner as has been heretofore customary; provided that no Officer or Soldier shall be billeted in *England* in any private Houses, or in any Canteen held or occupied under the Authority of the Ordnance Department, or upon Persons who keep Taverns only, being Vintners of the City of *London*, admitted to their Freedom of the said Company in right of Patrimony or Apprenticeship, notwithstanding such Persons who keep such Taverns only have taken out Victualling Licences, nor in the House of any Distiller kept for distilling Brandy and Strong Waters, nor in the House of any Shopkeeper whose principal Dealing shall be more in other Goods and Merchandize than in Brandy and Strong Waters, so as such Distillers and Shopkeepers do not permit Tippling in such Houses, nor in the House of Residence in any Part of the United Kingdom of any Foreign Consul duly accredited as such.

Supply of Car-
riages.

LVI. And be it enacted, That for the regular Provision of Carriages for His Majesty's Forces, and their Baggage, in their Marches in *England* and *Ireland*, all Justices of the Peace within their several Jurisdictions, being duly required thereunto by an Order from His Majesty, or the General of His Forces, or the Master General or Lieutenant General of His Majesty's Ordnance, if in *England*, or by an Order from the Lord Lieutenant or Chief Governors of *Ireland*, or from the Officer commanding His Majesty's Forces in *Ireland*, or other Person duly authorized in that Behalf, shall, on Production of such Order to such Justices by some Officer or Non-commissioned Officer of the Regiment so ordered to march, issue a Warrant to any Constable having Authority to act in any Place from, through, near, or to which the Troop shall be ordered to march, (for each of which Warrants the Fee of One Shilling only shall be paid,) requiring him to provide the Carriages, Horses, and Oxen, and Drivers therein mentioned, and allowing sufficient Time to do the same, specifying Places from and to which the said Carriages shall travel, and the Number of Miles between the Places, for which Number only so specified Payment shall be demanded, and which Number of Miles shall not, except in Cases of pressing Emergency, exceed a Day's March prescribed in the Order of Route, and shall in no Cases exceed Twenty-five Miles; and the Constables receiving such Warrants shall order such Persons as they shall think proper, having Carriages, to furnish the requisite Supply, who are hereby required to furnish the same accordingly; and when sufficient Carriages cannot be procured within the proper Jurisdiction, any Justice of the next adjoining Jurisdiction shall, by a like Course of proceeding, supply the Deficiency; and in order that the Burthen of providing Carriages may fall equally, and to prevent Inconvenience arising from there being no Justice residing near the Place where Troops may be quartered on the March, any Justice residing nearest to such Place may cause a List to be made out, at least once in every Year, of all Persons liable to furnish such Carriages, and of the Number and Description of their said Carriages, (which Lists shall at all seasonable Hours be open to the Inspection of the said Persons,) and may by Warrant under his

Hand authorize the Constables within his Jurisdiction to give Orders to provide Carriages, without any special Warrant for that Purpose, which Orders shall be valid in all respects; and all Orders for such Carriages shall be made from such Lists in regular Rotation, as far as the same can be done.

LVII. And be it enacted, That the Rates to be paid for Carriages impressed shall be, in *England*, for every Mile which a Waggon with Four or more Horses, or a Wain with Six Oxen, or Four Oxen and Two Horses, shall travel, One Shilling; and for every Mile any Waggon with narrow Wheels, or any Cart with Four Horses, carrying not less than Fifteen Hundred Weight, shall travel, Nine-pence; and for every Mile every other Cart or Carriage with less than Four Horses, and not carrying Fifteen Hundred Weight, shall travel, Sixpence; and in *Ireland*, for every Hundred Weight loaded on any Wheel Carriage, One Halfpenny *per* Mile; and in *England* such further Rates may be added, not exceeding a total Addition *per* Mile of Four-pence, Three-pence, or Two-pence, to the respective Rates of One Shilling, Nine-pence, or Sixpence, as may seem reasonable to the Justices assembled at General Sessions for their respective Districts; and the Order of such Justices at Sessions shall specify the average Price of Hay and Oats at the nearest Market Town at the Time of fixing such additional Rates, the Period for which the Order shall be enforced not exceeding Ten Days beyond the next General Sessions (and no such Order shall be valid unless a Copy thereof, signed by the presiding Magistrate and One other Justice, shall be transmitted to the Secretary at War within Three Days after the making thereof); and also in *England*, when the Day's March shall exceed Fifteen Miles, the Justice granting his Warrant may fix a further reasonable Compensation, not exceeding the usual Rate of Hire fixed by this Act; and when any additional Rates or Compensation shall be granted, the Justice shall insert in his own Hand, in the Warrant, the Amount thereof, and the Date of the Order of Sessions, if fixed by Sessions, and the Warrant shall be given to the Officer commanding, as his Voucher; provided that the Officer or Non-commissioned Officer demanding Carriages by virtue of the Warrant of a Justice shall, in *England*, pay down in hand the proper Sums into the Hands of the Constables providing Carriages, who shall give Receipts for the same on unstamped Paper; and, in *Ireland*, the Officers or Non-commissioned Officers as aforesaid shall pay the Owners or Drivers of the Carriages, and One Third Part of such Payment shall be made before the Carriage be loaded, and all the said Payments in *Ireland* shall be made, if required, in the Presence of a Justice or Constable; provided that no Carriage shall be liable to carry more than Thirty Hundred Weight in *England*, and in *Ireland* no Car shall be liable to carry more than Six Hundred Weight, and no Dray more than Twelve Hundred Weight; but the Owner of such Carriages in *Ireland*, consenting to carry a greater Weight, shall be paid at the same Rate for every Hundred Weight of the said Excess; and the Owners of such Carriages in *Ireland* shall not be compelled to proceed, though with any less Weight, under the Sum of Three-pence a Mile for each Car, and Sixpence a Mile for each Dray; and the Loading of such Carriages in *Ireland*

Rates to be paid,
and Mode of
proceeding.

shall be first weighed, if required, at the Expence of the Owner of the Carriage, if the same can be done in a reasonable Time, without Hindrance of His Majesty's Service; and the providing and paying for Carriages in *Scotland* shall be regulated by the Law in force at the Time of the Union with *England*; provided that a Cart with One or more Horses, for which the Furnisher shall receive Nine-pence a Mile, shall be required to carry Fifteen Hundred Weight at the least; provided that no Penalties or Forfeitures in any Act relating to Highways or Turnpike Roads in the United Kingdom shall apply to the Number of Horses and Oxen, or Weight of Loading of the aforesaid Carriages, which shall not on that Account be stopped or detained; and whenever it shall be necessary to impress Carriages for the March of Soldiers from *Dublin*, at least Twenty-four Hours Notice of such March, and in case of Emergency as long Notice as the Case will admit, shall be given to the Lord Mayor of *Dublin*, who shall summon a proportionable Number of Cars and Drays, at his Discretion, out of the licensed Cars and Drays and other Cars and Drays within the County of the said City, and they shall by Turns be employed on this Duty, at the Prices and under the Regulations herein-before mentioned; and no Country Cars, Drays, or other Carriages coming to Markets in *Ireland* shall be detained or employed against the Will of the Owners in carrying the Baggage of the Army on any Pretence whatsoever.

Supply of Carriages in Cases of Emergency.

LVIII. And be it enacted, That it shall be lawful for His Majesty or the Lord Lieutenant or Chief Governors of *Ireland*, by His or their Order, distinctly stating that a Case of Emergency doth exist, signified by the Secretary at War, or, if in *Ireland*, by the Chief Secretary or Under Secretary, or the First Clerk in the Military Department, to authorize any General or Field Officer commanding His Majesty's Forces in any District or Place, or to the Chief Acting Agent for the Supply of Stores and Provisions, by Writing under his Hand, reciting such Order of His Majesty or Lord Lieutenant or Chief Governor aforesaid, to require all Justices within their several Jurisdictions in *England* and *Ireland* to issue their Warrants for the Provision, not only of Waggon, Wains, Carts, and Cars kept by or belonging to any Person, and for any Use whatsoever, but also of Saddle Horses, Coaches, Post Chaises, Chaises, and other Four-wheeled Carriages kept for Hire, and also of Boats, Barges, and other Vessels used for the Transport of any Commodities whatsoever upon any Canal or Navigable River, as shall be mentioned in the said Warrants, therein specifying the Place and Distance to which such Carriages or Vessels shall go; and on the Production of such Requisition to such Justice by any Officer of the Corps ordered to be conveyed, or by any Officer of the Commissariat or Ordnance Department, such Justice shall take all the same Proceedings in regard to such additional Supply so required on the said Emergency as he is by this Act required to take for the ordinary Provision of Carriages; and all Provisions whatsoever of this Act, as regards the procuring of the ordinary Supply of Carriages, and the Duties of Officers and Non-commissioned Officers, Justices, Constables, and Owners of Carriages, in that Behalf, shall be to all Intents and Purposes applicable for the providing and Payment, according to the Rate of

of Posting or of Hire usually paid for such other Description of Carriages or Vessels so required on Emergency, according to the Length of the Journey or Voyage in each Case, but making no Allowance for Post Horse Duty, or Turnpike, Canal, River, or Lock Tolls, which Duty or Tolls are hereby declared not to be demandable for such Carriages and Vessels while employed in such Service or returning therefrom; and it shall be lawful to convey thereon, not only the Baggage, Provisions, and Military Stores of such Regiment or Detachment, but also the Officers, Soldiers, Servants, Women, Children, and other Persons of and belonging to the same.

LIX. And be it enacted, That it shall be lawful for the Justices of the Peace assembled at their Quarter Sessions to direct the Treasurer to pay, without Fee, out of the Public Stock of the County or Riding, or if such Public Stock be insufficient, then out of the Monies which the said Justices shall have Power to raise for that Purpose, in like Manner as for County Gaols and Bridges, such reasonable Sums as shall have been expended by the Constables within their respective Jurisdictions for Carriages and Vessels, over and above what was or ought to have been paid by the Officer requiring the same, Regard being had to the Season of the Year and Condition of the Ways by which such Carriages and Vessels are to pass.

Justices empowered to reimburse the Constables for Sums expended by them.

LX. And be it enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor for the Time being of *Ireland* to depute, by Warrant under his Hand and Seal, some proper Person to sign Routes for the marching of any of His Majesty's Forces in *Ireland*, in the Name of such Lord Lieutenant or Chief Governor.

Routes in Ireland.

LXI. And be it enacted, That all His Majesty's Officers and Soldiers, being in proper Staff or Regimental or Military Uniform, Dress or Undress, and their Horses, (but not when passing in any hired or private Vehicle,) and all Carriages and Horses belonging to His Majesty, or employed in His Service, when conveying Persons or Baggage, under the Provisions of this Act, or returning therefrom, shall be exempted from Payment of any Duties and Tolls on embarking or disembarking from or upon any Pier, Wharf, Quay, or Landing Place, or passing Turnpike Roads or Bridges, otherwise demandable by virtue of any Act already made or hereafter to be made; and any Toll Collector who shall demand and receive Toll from any of His Majesty's Officers or Soldiers, they being in proper Staff or Regimental or Military Uniform, Dress or Undress, or for their Horses, every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, for which Forfeiture and Penalty he shall be prosecuted before a Justice of the Peace, and in no other Way; provided that nothing herein contained shall exempt any Boats, Barges, or other Vessels employed in conveying the said Persons, Horses, Baggage, or Stores along any Canal, from Payment of Tolls, in like Manner as other Boats, Barges, and Vessels are liable thereto.

Tolls.

LXII. And be it enacted, That when any Soldiers on Service have occasion in their March to pass regular Ferries in *Scotland*, the Officer commanding may at his Option pass over with his

Ferries.

Soldiers as Passengers, and shall pay for himself and each Soldier One Half only of the ordinary Rate payable by single Persons, or may hire the Ferry Boat for himself and his Party, debarring others for that Time, and shall in such Cases pay only Half the ordinary Rate for such Boat.

Penalties upon
Civil Subjects
offending
against the Laws
relating to
Billets and Car-
riages.

LXIII. And be it enacted, That if any Constable or other Person, who by virtue of this Act shall be employed in billeting any Officers or Soldiers in any Part of the United Kingdom, shall presume to billet any such Officer or Soldier in any House not within the Meaning of this Act, without the Consent of the Owner or Occupier thereof; or shall neglect or refuse to billet any Officer or Soldier on Duty, when thereunto required, in such Manner as is by this Act directed, provided sufficient Notice be given before the Arrival of such Troops; or shall receive, demand, or agree for any Money or Reward whatsoever, in order to excuse any Person from receiving such Officer or Soldier; or shall quarter any of the Wives, Children, Men or Maid Servants of any Officer or Soldier in any such Houses, against the Consent of the Occupiers; or shall neglect or refuse to execute such Warrants of the Justices as shall be directed to him for providing Carriages, Horses, or Vessels, or shall demand more than the legal Rates for the same; or if any Person appointed by such Constable to provide Carriages, Horses, or Vessels, shall do any Act or Thing by which the Execution of such Warrants shall be hindered; or if any Constable shall neglect to deliver in to the Justices at Quarter Sessions Lists of Officers and Soldiers of the Foot Guards quartered according to the Provisions of this Act, or shall cause to be delivered defective Lists of the same; or if any Person, liable by this Act to have any Officer or Soldier quartered on him, shall refuse to receive and to afford proper Accommodation or Diet in the House of such Person in which he is quartered, and to furnish the several Things directed to be furnished to Officers and Soldiers, or shall neglect or refuse to furnish good and sufficient Stables, together with good and sufficient Hay and Straw for each Horse, at the Rate established by any Act in force in that respect; or shall pay any Sum or Sums of Money to any Soldier on the March in lieu of furnishing in Kind the Diet and Small Beer to which such Soldier is entitled; such Constable, Victualler, or other Person respectively shall forfeit for every Offence, Neglect, or Refusal, any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalties upon
the Military so
offending.

LXIV. And be it enacted, That if any Military Officer shall take upon himself to quarter Soldiers otherwise than is limited and allowed by this Act, or shall use or offer any Menace or Compulsion to or upon any Mayors, Constables, or other Civil Officers, tending to deter and discourage any of them from performing any Part of their Duty under this Act, or tending to induce any of them to do any thing contrary to their said Duty, such Officer shall for every such Offence (being thereof convicted before any Two or more Justices of the County by the Oath of Two credible Witnesses) be deemed and taken to be *ipso facto* cashiered, and shall be utterly disabled to hold any Military Employment in His Majesty's Service; provided that a Certificate thereof shall be transmitted by the said Justice to the Judge Advocate in *London*,
who

who is hereby required to certify the same to the Commander in Chief and Secretary at War, and that the said Conviction be affirmed at some Quarter Sessions of the Peace of the said County held next after the Expiration of Three Months after such Certificate of the Justice shall have been transmitted as aforesaid; and if any Military Officer shall take, or knowingly suffer to be taken, any Money or Reward of any Person for excusing the quartering of Officers or Soldiers, or shall billet any of the Wives, Children, Men or Maid Servants of any Officer or Soldier in any House, against the Consent of the Occupier, he shall, upon being convicted thereof before a General Court-martial, be cashiered; and if any Officer shall constrain any Carriage to travel beyond the Distance specified in the Justice's Warrant, or shall not discharge the same in due Time for their Return Home on the same Day if it be practicable, except in the Case of Emergency, for which the Justice shall have given Licence, or shall compel the Driver of any Carriage to take up any Soldier or Servant (except such as are sick) or any Woman to ride therein, except in Cases of Emergency as aforesaid, or shall force any Constable, by threatening Words, to provide Saddle Horses for himself or Servants, or shall force Horses from their Owners, or in *Ireland* shall force the Owner to take any Loading until the same shall be first duly weighed, if the same can be done within a reasonable Time, or shall, contrary to the Will of the Owner or his Servant, permit any Person whatsoever to put any greater Load upon any Carriage than is directed by this Act, shall forfeit for every Offence any Sum not exceeding Five Pounds nor less than Forty Shillings.

LXV. And be it enacted, That any Person who shall unlawfully have in his or her Possession or Keeping, or who shall knowingly detain, buy, exchange, or receive from any Soldier or Deserter, or any other Person, on any Pretence whatsoever, or shall solicit or entice any Soldier, or shall be employed by any Soldier, knowing him to be such, to sell any Arms, Ammunition, Clothes, or Military Furniture, or any Provisions, or any Sheets or other Articles used in Barracks, provided under Barrack Regulations, or Regimental Necessaries, or any Article of Forage provided for any Horses belonging to His Majesty's Service, or shall change the Colour of any Clothes as aforesaid, shall forfeit for every such Offence any Sum not exceeding Twenty Pounds nor less than Five Pounds, together with Treble Value of all or any of the several Articles of which such Offender shall so become possessed; and if any credible Person shall prove on Oath before a Justice of the Peace a reasonable Cause to suspect that any Person has in his or her Possession, or on his or her Premises, any Property of the Description herein-before described, on or with respect to which any such Offence shall have been committed, the Justice may grant a Warrant to search for such Property, as in the Case of stolen Goods.

Penalty on purchasing Soldiers Necessaries, Stores, &c.

LXVI. And be it enacted, That all the Persons (except such Recruiting Parties as may be stationed under Military Command) who shall cause to be advertised, posted, or dispersed Bills for the Purpose of procuring Recruits or Substitutes for the Line, Embodied Militia, or *East India* Company's Service, or shall open or keep

Penalty on unlawful recruiting.

keep any House, Place of Rendezvous, or Office, or receive any Person therein under such Bill or Advertisement, as connected with the Recruiting Service, or shall directly or indirectly interfere therewith, without Permission in Writing from the Adjutant General, or from the Directors of the *East India* Company (as the Case may be), shall forfeit for every such Offence the Sum of Twenty Pounds.

Penalty on
trafficking in
Commissions.

LXVII. And be it enacted, That every Person, not being an authorized Army Agent, who shall negotiate or act as Agent for and in relation to the Purchase, Sale, or Exchange of any Commission in His Majesty's Forces, shall forfeit for every such Offence the Sum of One hundred Pounds; and every Person, whether authorized or not as an Army Agent, who shall receive any Money or Reward in respect of any such Purchase, Sale, or Exchange, or shall negotiate or receive for any Purpose whatsoever any Money or Consideration where no Price is allowed by His Majesty's Regulations, or any Money or Consideration exceeding the Amount so allowed, shall forfeit One hundred Pounds, and Treble the Value of the Consideration where the Commission is not allowed to be sold, or Treble the Excess of such Consideration beyond the regular Price.

Penalty on
killing Game.

LXVIII. And for the better Preservation of Game and Fish in or near such Places where any Officers shall at any Time be quartered, be it enacted, That every Officer who shall, without Leave in Writing from the Persons entitled to grant such Leave, take, kill, or destroy any Game or Fish within the United Kingdom of *Great Britain* and *Ireland*, and upon Complaint thereof shall be, upon Oath of One or more credible Witnesses, convicted before any Justice, shall for every such Offence forfeit the Sum of Five Pounds.

Officers not
liable to take
Parish Apprentices.

LXIX. And be it enacted, That no Officer of His Majesty's Forces residing in Barracks or elsewhere under Military Law shall be deemed liable to have any Parish Poor Child bound Apprentice to him.

Mode of record
ing a Soldier's
Settlement.

LXX. And be it enacted, That any Justice in the United Kingdom, within whose Jurisdiction any Soldier in the Regular Army, or on the permanent Staff of the Militia, having a Wife or Child, shall be billeted, may summon such Soldier before him in the Place where he is billeted, (which Summons he is hereby directed to obey,) and take his Examination in Writing, upon Oath, touching the Place of his last legal Settlement in *England*, and such Justice shall give an attested Copy of such Examination to the Person examined, to be by him delivered to his Commanding Officer, to be produced when required; which said Examination and such attested Copy shall be at any Time admitted in Evidence as to such last legal Settlement before any Justice or at any General or Quarter Sessions, although such Soldier be dead or absent from the Kingdom; provided that in case any Soldier shall be again summoned to make Oath as aforesaid, then, on such Examination or such attested Copy thereof being produced by him or by any other Person on his Behalf, such Soldier shall not be obliged to take any other Oath with regard to his legal Settlement, but shall leave a Copy of such Examination, or a Copy of such attested Copy of Examination, if required.

LXXI. And

LXXI. And be it enacted, That the Churchwardens of every Parish in *England* and *Ireland*, and the Constables or other Officers of every Parish or Place in *Scotland*, on receiving a Notification from the Secretary at War of the Names of any Soldiers belonging to the said Parish who have, for meritorious Conduct in the Army, received His Majesty's special Approbation, or who, in consequence of Misconduct, have been dismissed His Majesty's Service with Disgrace, shall affix such Notification on the Outside of the Door of the Church or Chapel belonging to such Parish or Place on the *Sunday* next succeeding the Receipt of the said Notification.

Notification to
Parishes of good
or bad Conduct
of Soldiers.

LXXII. And be it enacted, That it shall be lawful for the Justice, before whom any Recruit shall be attested before the Expiration of the Term of Service for which he had been hired by his Master, to adjudge to such Recruit a reasonable Proportion of his Wages for the Time he has actually served; and the said Justice shall make an Order for the Payment of the Amount so awarded, and, in case of Neglect or Refusal to pay the same within Four Days, shall issue his Warrant for levying the same by Distress and Sale of the Goods and Chattels of the Master.

Wages of a Ser-
vant enlisting.

LXXIII. And be it enacted, That when any Persons shall hold any Canteens under proper Authority of the Board of Ordnance, it shall be lawful for any Two Justices, within their respective Jurisdictions, to grant or transfer any Beer, Wine, or Spirit Licence to such Persons, without regard to Time of Year, or to the Notices or Certificates required by any Act in respect of such Licences; and the Commissioners of Excise or their proper Officers, within their respective Districts, shall also grant such Licences as aforesaid; and such Persons so holding Canteens, and having such Licences, may sell therein Victuals and Exciseable Liquors, as empowered by such Excise Licence, without being subject to any Penalty or Forfeiture.

Licences of
Canteens.

LXXIV. And be it enacted, That all Muster Rolls and Pay Lists which are required to be verified upon Oath shall be sworn before and attested by any Justice, without Fee or Reward to himself or to his Clerk.

Attestation of
Accounts.

LXXV. And be it enacted, That any Action which shall be brought against any Person for any thing to be done in pursuance of this Act shall be brought within Six Months, and it shall be lawful for every such Person to plead thereunto the General Issue of Not Guilty, and to give all special Matter in Evidence to the Jury which shall try the Issue; and if the Verdict shall be for the Defendant in any such Action, or the Plaintiff therein become Nonsuit, or suffer any Discontinuance thereof, or if, in *Scotland*, such Court shall see fit to assoilzie the Defendant or dismiss the Complaint, the Court in which the said Matter shall be tried shall allow unto the Defendants Treble Costs, for which the said Defendant shall have the like Remedy as in other Cases where Costs by the Laws of this Realm are given to Defendants; and every Action against any Person for any thing to be done in pursuance of this Act, or against any Member or Minister of a Court-martial, in respect of any Sentence of such Court, or of any thing done by virtue or in pursuance of such Sentence, shall be brought in some of the Courts of Record at *Westminster* or in
Dublin,

Forms of Ac-
tions at Law.

Dublin, or the Court of Session in *Scotland*, and in no other Court whatsoever.

Recovery of
Penalties.

5 G. 4. c. 23.

5 G. 4. c. 18.

LXXXVI. And be it enacted, That all Offences for which any Penalties and Forfeitures are by this Act imposed not exceeding Twenty Pounds, over and above any Forfeiture of Value or Treble Value, shall and may be determined, and such Penalties and Forfeitures and Forfeiture of Value or Treble Value recovered, in every Part of the United Kingdom, by One or more Justice or Justices of the Peace, under the Provisions of an Act passed in the Third Year of the Reign of His late Majesty, intituled *An Act to facilitate summary Proceedings before Justices of the Peace and others*, and of another Act, passed in the Fifth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for the more effectual Recovery of Penalties before Justices and Magistrates on Conviction of Offenders, for facilitating the Execution of Warrants by Constables*: Provided always, that in all Cases in which there shall not be sufficient Goods whereon any Penalty or Forfeiture can be levied, the Offender may be committed and imprisoned for any Time not exceeding Six Months; which said recited Acts shall be used and applied in *Scotland*, for the Recovery of all such Penalties and Forfeitures, as fully, to all Intents, as if the said recited Acts had extended to *Scotland*, any thing in the said recited Acts to the contrary notwithstanding; and all such Offences committed in the *British Isles*, or in any of His Majesty's Dominions beyond the Seas, may be determined, and the Penalties and Forfeitures and Forfeiture of Value or Treble Value recovered, before any Justices of the Peace, or Persons exercising like Authority, according to the Laws of the Part of His Majesty's Dominions in which the Offence shall be committed; and all Penalties and Forfeitures by this Act imposed exceeding Twenty Pounds shall be recovered by Action in some of the Courts of Record at *Westminster* or in *Dublin*, or in the Court of Session in *Scotland*, and in no other Court in the United Kingdom, and may be recovered in the *British Isles*, or in any other Parts of His Majesty's Dominions, in any of the Royal or Superior Courts of such Isles or other Parts of His Majesty's Dominions.

Appropriation
of Penalties.

LXXXVII. And be it enacted, That one Moiety of every Penalty, not including any Treble Value of any Articles, adjudged or recovered under the Provisions of this Act, shall go to the Person who shall inform or sue for the same, and the Remainder of the Penalty, together with the Treble Value of any Articles, or, where the Offence shall be proved by the Person who shall inform, the Whole of the Penalty shall be paid to the General Agent for the Recruiting Service in *London* or *Dublin*, as the Case may be, to be at the Disposal of the Secretary at War; and every Justice who shall adjudge any Penalty under this Act shall, within Four Days at the farthest, report the same to the Secretary at War.

Administration
of Oaths.

LXXXVIII. And be it enacted, That all Oaths which are authorized and required by this Act may be administered (unless where otherwise provided) by any Justice of the Peace, or Magistrate acting as such; and that any Person taking a false Oath in any Case wherein an Oath is required to be taken by this Act shall be deemed guilty of wilful and corrupt Perjury, and being thereof

Perjury.

duly

duly convicted shall be liable to such Pains and Penalties as by any Laws now in force any Persons convicted of wilful and corrupt Perjury are subject and liable to.

LXXIX. And be it enacted, That this Act shall be and continue in force within *Great Britain* from the Twenty-fifth Day of *April* One thousand eight hundred and thirty-three inclusive until the Twenty-fifth Day of *April* One thousand eight hundred and thirty-four; and shall be and continue in force within *Ireland*, and in *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Isle of Man*, and the Islands thereto belonging, from the First Day of *May* One thousand eight hundred and thirty-three inclusive until the First Day of *May* One thousand eight hundred and thirty-four; and shall be and continue in force within the Garrison of *Gibraltar*, the *Mediterranean*, and in *Spain* and *Portugal*, from the First Day of *August* One thousand eight hundred and thirty-three inclusive until the First Day of *August* One thousand eight hundred and thirty-four; and shall be and continue in force in all other Parts of *Europe* where His Majesty's Forces may be serving, and in the *West Indies* and *America*, from the First Day of *September* One thousand eight hundred and thirty-three inclusive to the First Day of *September* One thousand eight hundred and thirty-four; and shall be and continue in force within the *Cape of Good Hope*, the *Isle of France* or *Mauritius* and its Dependencies, *St. Helena* and the Western Coast of *Africa*, from the First Day of *January* One thousand eight hundred and thirty-four inclusive to the First Day of *January* One thousand eight hundred and thirty-five; and shall be and continue in force in all other Places from the First Day of *February* One thousand eight hundred and thirty-five inclusive to the First Day of *February* One thousand eight hundred and thirty-six: Provided that this Act shall, from and after the Receipt and Promulgation thereof in General Orders in any Part of His Majesty's Dominions beyond the Seas, become and be in full Force; any thing herein-before contained to the contrary notwithstanding.

Duration of
Act.

LXXX. And be it enacted, That this Act may be altered, varied, or repealed by any Act or Acts to be passed in this Session of Parliament.

Alteration of
the Act.

SCHEDULES to which this Act refers.

FORM of OATHS to be taken by MEMBERS of COURTS-MARTIAL.

YOU shall well and truly try and determine according to the Evidence in the Matter now before you.

So help you GOD.

I do swear, That I will duly administer Justice, according to the Rules and Articles for the better Government of His Majesty's Forces, and according to an Act now in force for the Punishment of Mutiny and Desertion, and other Crimes therein mentioned, without Partiality, Favour, or Affection, and if any Doubt shall arise which is not explained by the said Articles or Act, according to my Conscience, the best of my Understanding, and the Custom of War in the like Cases: And I further swear, That I will not divulge the Sentence of the Court until it shall be duly

duly approved ; neither will I, upon any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in due Course of Law.

So help me GOD.

FORM of OATH of JUDGE ADVOCATE.

I do swear, That I will not, upon any Account whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law.

So help me GOD.

QUESTIONS to be put separately by the JUSTICE to a RECRUIT :

Enlisting for unlimited Service.

1. What is your Name ?
2. In what Parish, and in or near what Town, and in what County were you born ?
3. What is your Age ?
4. What is your Trade or Calling ?
5. Are you an Apprentice ?
6. Are you married ?
7. Are you ruptured or lame ; have you ever been subject to Fits ; or have you any Disability or Disorder which impedes the free Use of your Limbs, or unfits you for ordinary Labour ?
8. Are you willing to be attested to serve in the
Regiment of _____ until you shall legally be
discharged ?
9. On what Day and by whom were you enlisted ?
10. For what Bounty did you enlist ?
11. Do you now belong to the Militia ?
12. Do you belong to any other Regiment, or to the Marines,
Ordnance, or Navy ?
13. Have you ever served in the Army, Marines, Ordnance, or
Navy ?

Note.—The Justice is directed in putting the 11th Question to the Recruit, and before he receives his Answer, distinctly to apprise the Recruit that if he belongs to the Militia, and denies the Fact, he is liable to Six Months Imprisonment.

Enlisting for limited Service.

The preceding Questions to be put by the Justice, except Question 8, which is to be as follows :

8. Are you willing to be attested to serve in the
Regiment of _____ for the Period of _____

[this

[*this Blank to be filled up by the Justice with Seven Years for Infantry, Ten Years for Cavalry, and Twelve Years for the Artillery, if the Person enlisted is of the Age of Eighteen Years or upwards; but if under the Age of Eighteen Years, then the Difference between his Age and Eighteen to be added to such Seven, Ten, or Twelve Years, as the Case may be*] Years, provided His Majesty should for so long require your Service, and also for such further Term, not exceeding Six Months, as shall be directed by the Commanding Officer on any Foreign Station, and not exceeding Three Years, as shall be directed by any Proclamation of His Majesty, such additional Period, in the latter Case, to determine whenever Six Months of continued Peace, to be reckoned from the Ratification of any definitive Treaty, shall have elapsed subsequent to the Expiration of the said [*Seven, Ten, or Twelve, as the Case may be,*] Years?

Enlisting for either His Majesty's or the East India Company's Service.

Question 8 is to be put by the Justice as follows:

8. Are you willing to be attested to serve in His Majesty's Army, or in the Forces of the United Company of Merchants trading to the *East Indies*, according as His Majesty shall think fit to order, until you shall be duly and legally discharged?

Enlisting for the East India Company's Service.

Question 8 to be put by the Justice as follows:

8. Are you willing to be attested to serve the United Company of Merchants trading to the *East Indies*, until you shall be legally discharged? [*Or if the Recruit enlists for limited Service then insert, for the Period of Twelve Years, [if the Person enlisting is of the Age of Eighteen Years or upwards, but if under Eighteen Years, then the Difference between his Age and Eighteen to be added to such Twelve Years, as the Case may be, and such Period to be inserted instead of Twelve Years,*] provided the said United Company should so long require your Service?]

OATH to be taken by a RECRUIT enlisting for unlimited or limited Service.

I do make Oath, That the above Questions have been separately put to me; that the Answers thereto have been read over to me; and that they are the same that I gave, and are true.

I do also make Oath, That I will be faithful and bear true Allegiance to His Majesty, His Heirs and Successors; and that I will, as in Duty bound, honestly and faithfully defend His Majesty, His Heirs and Successors, in Person, Crown, and Dignity, against
all

all Enemies; and will observe and obey all Orders of His Majesty, His Heirs and Successors, and of the Generals and Officers set over me.
So help me GOD.

Witness my Hand

Signature of Recruit.

Witness present.

Sworn before me at _____ this
Day of _____ One thousand eight }
hundred and _____ }
Signature of Justice _____

If enlisting for either His Majesty's or the East India Company's Service, the following Addition is to be made to the foregoing Oath.

And that if His Majesty, His Heirs or Successors, shall please to appoint me to serve in the Forces of the United Company of Merchants of *England* trading to the *East Indies*, then I swear, that I will also be true to the said United Company, and will duly observe and obey all their Orders, and the Orders of their Generals and Officers who shall be lawfully set over me.

If enlisting for the East India Company's Service, the following is to be added to the Oath.

And that I will also be true to the said United Company, and will duly observe and obey all their Orders, and the Orders of their Generals and Officers who shall be lawfully set over me.

CERTIFICATE to be given by the JUSTICE.

Description of

Age, apparently _____
Height, _____ Feet _____ Inches.
Complexion, _____
Eyes, _____
Hair, _____

Any distinctive Mark.

to wit. } I _____ one of His Majesty's Justices
of the Peace of _____ do hereby certify,
That the above is the Description of the Recruit
and in my Presence all the foregoing Questions were put to the
said _____; that the Answers written opposite
to them are those which he gave to me; and that the First and
Second Articles of the Second Section of the Articles of War
were read over to him; that he took the Oath of Allegiance and
Fidelity; that he received the Sum of _____
on being attested this Day; and that I have given him a Duplicate
of this Certificate, signed with my Name.

Signature of the Justice.

FORM

FORM of OATH to be taken by a MASTER whose Apprentice has absconded.

I of do make Oath, That I am by Trade
a , and that was bound to serve as an Apprentice
to me in the said Trade, by Indenture dated the Day of
for the Term of Years; and that the said did on
or about the Day of abscond and quit my Service
without my Consent; and that to the best of my Knowledge and
Belief the said is aged about Years. Witness my
Hand at the Day of One thousand eight
hundred and

Sworn before me at this
Day of One thousand eight }
hundred and

FORM of JUSTICE'S CERTIFICATE to be given to the MASTER of an Apprentice.

to wit. } I One of His Majesty's Justices of the
Peace of certify, That of
came before me at the Day of One
thousand eight hundred and , and made Oath that he
was by Trade a , and that was bound to
serve as an Apprentice to him in the said Trade, by Indenture dated
the Day of for the Term of Years; and
that the said Apprentice did on or about the Day of
abscond and quit the Service of the said without his
Consent, and that to the best of his Knowledge and Belief the
said Apprentice is aged about Years.

FORM of OATH of ATTESTATION of a COMMISSARY'S ACCOUNTS.

I do hereby make Oath, That I have not applied
any Money or Stores or Supplies, under my Care or Distribution,
to my own Use, or to the private Use of any other Person, by way
of Loan to such Person or otherwise, or in any Manner applied
them, or knowingly permitted them to be applied, to any other than
public Purposes, according to the Duty of my Office.

Sworn before me by the within-named }
this Day of . }

Justice of the Peace for the County of
, or Commander in Chief, or
Second in Command, et cetera, the
Army serving in et cetera,
[as the Case may be.]

DESCRIPTION RETURN of
as a Deserter from the

committed to Confinement at
Battalion of the

on the
Regiment of

Day of

Age.	Size.		Complexion.	Colour of		Marks.	Probable Date of Enlistment, and in what District.	Probable Date of Desertion, and from whence.	Name, Occupation, and Address of Person by whom apprehended.	Particulars of the Evidence upon which the Prisoner is committed.	Whether the Prisoner confessed before the Magistrate that he is a Deserter.
	Feet.	Inches.		Hair.	Eyes.						

I do hereby certify, that the Prisoner has been duly examined before me as to the Circumstances herein stated, and has declared in my Presence that he is a Deserter from the above mentioned Corps.

* I certify, that I have inspected the Prisoner, and consider him fit for active Service. _____ Signature of Surgeon.

_____ Signature and Address of Magistrate.
_____ Signature of Prisoner.
_____ Signature of Informer.

* If a Military Medical Officer be at or near the Place, he will inspect the Deserter, and report as to his Fitness for Military Service.

* Insert "is" or "is not," as the Case may be.

CAP. VI.

An Act for the Regulation of His Majesty's Royal Marine Forces while on Shore. [20th April 1833.]

WHEREAS it is judged necessary for the Safety of the United Kingdom, and the Defence of the Possessions of this Realm, that a Body of Royal Marine Forces should be employed in His Majesty's Fleet and Naval Service, under the Direction of the Lord High Admiral of the said United Kingdom, or the Commissioners for executing the Office of Lord High Admiral aforesaid: And whereas the said Forces may frequently be quartered or be on Shore, or sent to do Duty or be on board Transport Ships, or Merchant Ships or Vessels, or Ships or Vessels of His Majesty, or other Ships or Vessels, or they may be under other Circumstances in which they will not be subject to the Laws relating to the Government of His Majesty's Forces by Sea: And whereas no Man can be forejudged of Life or Limb, or subjected in Time of Peace to any Kind of Punishment within this Realm, by Martial Law, or in any other Manner than by the Judgment of his Peers, and according to the known and established Laws of this Realm; yet nevertheless, it being requisite for the retaining of such Forces in their Duty that an exact Discipline be observed, and that Marines who shall mutiny or stir up Sedition, or shall desert His Majesty's Service, or be guilty of any other Crime in breach of good Order and Discipline, be brought to a more exemplary and speedy Punishment than the usual Forms of the Law will allow: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty-fifth Day of April One thousand eight hundred and thirty-three, if any Person who is or shall be commissioned or in Pay as an Officer of Royal Marines, or who is or shall be listed or in Pay as a Non-commissioned Officer, Drummer, or Private Man in His Majesty's Royal Marine Forces, shall at any Time during the Continuance of this Act, while on Shore in any Place within the said Kingdom, or in any other of His Majesty's Dominions, or in Foreign Parts out of such Dominions, or on board any Transport Ship, or Merchant Ship or Vessel, or any Ship or Vessel of His Majesty, or on board any Convict Hulk or Ship, or any other Ship or Vessel, or in any other Place, or while being in any Circumstances in which he shall not be subject to the Laws relating to the Government of His Majesty's Forces by Sea, begin, excite, cause, or join in any Mutiny or Sedition in His Majesty's Marine or other Forces, or shall not use his utmost Endeavours to suppress any such Mutiny or Sedition, or coming to the Knowledge of any Mutiny or intended Mutiny shall not without Delay give Information thereof to his Commanding Officer; or shall misbehave himself before the Enemy; or shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard committed to his Charge or which he shall be commanded to defend; or shall compel the Governor or Commanding Officer of any Garrison, Fortress, or Post to deliver up to the Enemy or to abandon the same; or shall

Crimes punishable by Death.

speaking Words or use any other Means to induce such Governor or Commanding Officer or any other to misbehave before the Enemy, or shamefully to abandon or deliver up any Garrison, Fortress, Post, or Guard committed to their respective Charge, or which he or they shall be commanded to defend; or shall leave his Post before relieved, or shall be found sleeping on his Post; or shall hold Correspondence with or give Advice or Intelligence to any Rebel, Pirate, or Enemy of His Majesty, either by Letters, Messages, Signs, Tokens, or any other Ways or Means whatever; or shall treat or enter into any Terms with any such Rebel, Pirate, or Enemy, without the Licence of the Lord High Admiral of the said United Kingdom, or the Commissioners for executing the Office of Lord High Admiral aforesaid, for the Time being; or shall strike or use any Violence against his Superior Officer, being in the Execution of his Office, or shall disobey any lawful Command of his Superior Officer; or shall desert His Majesty's Service, every Person so offending in any of the Matters before mentioned shall suffer Death, or such other Punishment as by a Court-martial shall be awarded.

The ordinary Course of Law not to be interfered with.

II. Provided always, and be it further enacted, That nothing in this Act contained shall be construed to exempt any Officer or Marine from being proceeded against by the ordinary Course of Law for Crimes thereby cognizable; and any Commanding Officer who shall neglect or refuse, when due Application shall be made to him for that Purpose, to deliver over to the Civil Magistrate any Officer or Marine charged with any Capital Crime, or with any Violence or Offence against the Person or Property of any of His Majesty's Subjects punishable by the known Laws of the Land, or who shall wilfully neglect or refuse to assist any Peace Officer in apprehending any such Offender, shall, upon Conviction thereof in any of His Majesty's Courts at *Westminster*, *Dublin*, or *Edinburgh*, be deemed to be *ipso facto* cashiered, and shall be utterly disabled to hold any Civil or Military Office or Employment in His Majesty's Service; and a Certificate of such Conviction shall be transmitted to the Secretary of the Admiralty: Provided always, that no Person who shall have been tried before any of the ordinary Courts of Law for any Crime cognizable in such Courts shall be liable to be punished for the same by any Court-martial, otherwise than by cashiering.

Marines not to be taken away from the Service for Debts under 30*l*.

III. And be it enacted, That no Person (except an Apprentice) enlisted in His Majesty's Service as a Marine shall be liable to be arrested or taken therefrom by the Warrant of any Magistrate, or otherwise, on account of any Breach of Contract or Engagement to serve or work for any Employer; and that no Marine shall be liable to be arrested and taken out of His Majesty's Service for Debt by any Process or Execution whatsoever, unless an Affidavit shall be first duly made and filed by the Plaintiff in the Suit, or by some one on his Behalf, for which no Fee shall be taken, that the original Debt for which the Action has been brought amounts to the Sum of Thirty Pounds at least, over and above all Costs in that or any other Action, a Memorandum of which Oath shall be marked on the Back of such Process and of the Warrant grounded thereon; and in case any Person shall nevertheless contrary hereto be arrested, it shall be lawful for any Judge of the Court out of which the Process

cess

ces shall have issued, and he is hereby required, upon Complaint made by the Person arrested, or by his Superior Officer, and upon due Proof thereof being made to him that such Arrest was made contrary to the Intent and Meaning of this Act, to discharge the Person so arrested out of Custody, and also to award to the Party complaining such Costs as such Judge shall think reasonable; for the Recovery whereof he shall have the like Remedy by Writ of Execution as that which the Plaintiff in the Suit might have had in case Judgment had been given for him in the Action.

IV. And be it enacted, That it shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral aforesaid, to make, ordain, and establish Rules and Articles of War, under the Hand of the said Lord High Admiral, or under the Hands of any Two or more of the said Commissioners, for the better Government of His Majesty's Royal Marine Forces, and for the Punishment of Mutiny, Desertion, Immorality, Breach of Discipline, Misbehaviour, Neglect of Duty, and any other Offence or Misconduct of which they shall be guilty, in any Place on shore or afloat in or out of His Majesty's Dominions, or at any Time when or under any Circumstances in which they shall not be amenable to the Laws for the Government of His Majesty's Ships, Vessels, and Forces by Sea, or to the Discipline of the Royal Navy, which Rules and Articles shall be judicially taken notice of by all Judges and in all Courts whatsoever; and Copies of the same shall, as soon as conveniently may be after the same shall have been made, be transmitted by the Secretary of the Admiralty for the Time being (certified under his Hand) to the Judges of His Majesty's Superior Courts at *Westminster*, *Dublin*, and *Edinburgh* respectively, and also to the Governors of His Majesty's Dominions Abroad: Provided always, that no Person shall be subject by such Rules and Articles to any Punishment extending to Life or Limb for any Crime which is not expressed to be so punishable by this Act, nor in any Manner nor under any Regulations which shall not accord with the Provisions of this Act.

Lord High Admiral, &c. may make Articles for the Punishment of Mutiny, Desertion, &c.

V. And be it enacted, That it shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral aforesaid, from Time to Time to grant Commissions under the Hand of the said Lord High Admiral, or under the Hands of any Two or more of the said Commissioners, for the holding of General and other Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, in like Manner as has been heretofore used; and for bringing Offenders against the Articles of War to Justice, to erect and constitute Courts-martial, as well within the said United Kingdom and the *British* Isles as in any of His Majesty's Garrisons or Dominions, or elsewhere beyond the Seas, and to grant Commissions or Warrants to the Officer or Officers commanding in chief or commanding for the Time being any of His Majesty's Royal Marine Forces, as well within the said United Kingdom as elsewhere beyond the Seas, for convening, as well as for authorizing any Officer not below the Degree of a Field Officer to convene, Courts-martial, as Occasion may require, for the Trial of Offences committed by any of the Royal Marine Forces under their Command, whether the same shall have been committed before or after such Officer shall have

Lord High Admiral, &c. may grant Commissions for holding General Courts-martial, &c.

taken upon himself such Command; and any Person subject to this Act, who shall in any of His Majesty's Dominions beyond the Seas or elsewhere commit any of the Offences for which he may be liable to be tried by Courts-martial by virtue of this Act, may be tried and punished for the same in any other Part of His Majesty's Dominions where he may have come after the Commission of the Offence, as if the Offence had been committed where such Trial shall take place.

Composition of
General Courts-
martial.

VI. And be it enacted, That a General Court-martial convened in any Part of the King's Dominions, (*Bermuda, Africa, and New South Wales* excepted,) or in the Settlements of the *East India* Company, or elsewhere, shall, in order to have Power to try a Commissioned Officer, or to pass Sentence of Death or Transportation on any Offender, consist of not less than Thirteen Commissioned Officers, in which Sentence of Death Nine at least of the Members of any Court consisting of Thirteen shall concur; and for the Trial of any Person not of the Rank of a Commissioned Officer, the Court shall consist of not less than Nine; and such General Courts-martial convened in *Bermuda* or out of the King's Dominions (excepting *Africa* and *New South Wales*) shall have not less than Seven, and in *Africa* and *New South Wales* not less than Five Commissioned Officers; and in all Cases where such General Courts-martial as aforesaid shall consist of more or fewer Officers than Thirteen, no Judgment of Death shall pass without the Concurrence of Two Thirds at the least of the Members present; and the President shall in no Case be the Officer commanding in chief or Governor of the Garrison where the Offender shall be tried, nor under the Degree of a Field Officer, unless where a Field Officer cannot be had, nor in any Case whatsoever under the Degree of a Captain.

Courts-martial
to administer
Oaths.*

VII. And be it enacted, That all and every Court-martial shall have Power and Authority and is hereby required to administer the requisite Oath, in the usual Form, to every Person who shall be examined as a Witness before any such Court-martial, previous to his giving Evidence thereat.

Proceedings of
Courts-martial.

VIII. And be it enacted, That in all Trials by General Courts-martial to be held by virtue of this Act every Member of such Court shall, before any Proceedings be had thereupon, take the Oaths for that Purpose set forth in the Schedule to this Act annexed, before the Judge Advocate or Person officiating as such, and on Trials by other Courts-martial before the President thereof, who are hereby respectively authorized to administer the same; and so soon as such Oaths shall have been administered to the respective Members, the President of the Court (having himself taken the said Oath, to be administered to him by any sworn Member,) is hereby authorized and required to administer to the Judge Advocate, or the Person officiating as such, the Oath in the Schedule to this Act for that Purpose annexed; and that no Proceeding or Trial shall be had upon any Offence but between the Hours of Eight of the Clock in the Morning and Four in the Afternoon, except in Cases which may require an immediate Example, and except in the *East Indies*, where such Trial may be held between the Hours of Six in the Morning and Four in the Afternoon.

IX. ' And

IX. ' And whereas it may be expedient in many Cases that ' Officers of the Land Forces should be associated with Royal ' Marine Officers for the Purpose of holding Courts-martial ;' be it enacted, That, when and as often as it shall be deemed necessary, it shall and may be lawful for Officers of Royal Marines and of the Land Forces to sit in conjunction on any Court-martial to be held under the Authority of this Act, and to proceed on the Trial of any Marine Officer, Non-commissioned Officer, Drummer, or Private Man, in like Manner to all Intents and Purposes as if such Court-martial were composed of Marine Officers only, and whether the Commanding Officer by whose Order such Court-martial is assembled belong to the Land or the Marine Forces ; and the Officers composing such Court shall in such Cases take Rank according to the Seniority of their Commissions in either Service.

Officers of the Marine and Land Forces may sit in conjunction on Courts-martial.

X. And be it enacted, That a General Court-martial may sentence any Marine to Imprisonment, solitary or otherwise, and with or without hard Labour, in any public Prison or other Place which the Court may appoint, or to Corporal Punishment not extending to Life or Limb, for Immorality, Misbehaviour, or Neglect of Duty ; and a General Court-martial may, in addition to any such Punishment as aforesaid, sentence any Offender to Forfeiture of all Advantage as to additional Pay, and Pension on Discharge ; and whensoever any General Court-martial by which any Marine shall have been tried and convicted of any Offence punishable with Death shall not think the Offence deserving of Capital Punishment, such Court-martial may, instead of awarding a Corporal Punishment or Imprisonment, adjudge the Offender, according to the Degree of the Offence, to be transported as a Felon for Life or for a certain Term of Years, or to general Service as a Soldier in any Corps and in any Country or Place which His Majesty shall be pleased to direct, or if such Offender shall have enlisted for any limited Term, may sentence him to serve for Life as a Soldier in any Corps which His Majesty shall be pleased to direct ; and such Court may, in addition to any other Punishment, sentence any such Offender to forfeit all Advantage as to Increase of Pay, or as to Pension on Discharge, which might otherwise have accrued to such Offender : Provided always, that in all Cases where a Capital Punishment shall have been awarded by a General Court-martial it shall be lawful for His Majesty, instead of causing such Sentence to be carried into execution, to order the Offender to be transported as a Felon, either for Life or for a certain Term of Years, as to His Majesty shall seem meet ; and if any Person who shall have been so adjudged or ordered to be transported, whether by the Sentence of a Court-martial or in pursuance of such Order of His Majesty, shall afterwards, without Licence from His Majesty or other lawful Authority, return to or be found at large in any Part of His Majesty's Dominions, either Abroad or at Home, other than the Place to which he shall have been adjudged or ordered to be transported, before the Expiration of the Term limited by such Sentence or Order, any such Offender, being duly convicted thereof, shall suffer Death as a Felon.

General Courts-martial may sentence Offenders to Imprisonment, &c.

XI. And be it enacted, That a District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except

District or Garrison Courts-martial.

except in *Bermuda, Africa, and New South Wales*, where it may consist of not less than Five Commissioned Officers, and that it shall be lawful for such Court, although assembled under the Authority of an Act of the present Session of Parliament, for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, to proceed to try any Marine or Marines below the Rank of a Commissioned Officer for any Offence committed by any of them while serving in conjunction with His Majesty's Land Forces, and to sentence any such Marine to any Imprisonment, solitary or otherwise, and with or without hard Labour, in any public Prison or other Place which such Court may appoint, or to Corporal Punishment, not extending to Life or Limb, for Immorality, Misbehaviour, or Neglect of Duty; and such Court may, in addition to either of the said Punishments, sentence a Marine to Forfeiture of all Advantage as to additional Pay, and to Pension on Discharge, for disgraceful Conduct in wilfully maiming or injuring himself, or any other Marine at the Instance of such Marine, with Intent to render himself or such other Marine unfit for the Service; in tampering with his Eyes; in malingering, feigning Disease, absenting himself from Hospital while under Medical Care, or other gross Violation of the Rules of any Hospital, thereby wilfully producing or aggravating Disease or Infirmary, or wilfully delaying his Cure; in purloining or selling Government Stores; in stealing any Money or Goods the Property of a Comrade, of a Military Officer, or of any Military or Divisional or Regimental Mess; in producing false or fraudulent Accounts or Returns; in embezzling or fraudulently misapplying Public Money intrusted to him; or for any other disgraceful Conduct, being of a cruel, indecent, unnatural, felonious, or fraudulent Nature; and such Offender may be further put under Stoppages, not exceeding Two Thirds of his daily Pay, until the Amount be made good of any Loss or Damage arising out of his Misconduct; and if any Marine shall be convicted of any such disgraceful Conduct, and shall be sentenced to Forfeiture of his Claim to Pension, the Court may further recommend him to be discharged with Ignominy from His Majesty's Service; and any such Court shall deprive a Marine, if convicted of the Charge of habitual Drunkenness, of his Allowance in lieu of Beer or Liquor, or of additional Pay, or of such Portion of his daily Pay, for any Period not exceeding Two Years, as may accord with the Rules and Articles of War, subject to Restoration on subsequent good Conduct; and in addition to any such Punishment, the Court may, if it shall think fit, sentence such Offender to Imprisonment or to Corporal Punishment; provided that in all the foregoing Cases the Sentence of a District or Garrison Court-martial shall be confirmed by the General Officer, Governor, or Senior Officer in command of the District, Garrison, Island, or Colony; and the President of every Court-martial other than a General Court-martial, not being under the Rank of Captain, shall be appointed by the Officer convening such Court-martial: Provided always, that such Court-martial shall not have Power to pass any Sentence of Death or Transportation.

Divisional
Courts-martial.

XII. And be it enacted, That in Cases of Mutiny and gross Insubordination, or any Offences committed on the Line of March, the

the Offence may be tried by a Divisional Court-martial, and the Sentence confirmed and carried into execution on the Spot by the Officer in the immediate Command of the Troops; provided that the Sentence shall not exceed that which a Divisional Court-martial is competent to award; and a Divisional Court-martial may sentence any Marine to Imprisonment, with or without hard Labour, for any Period not exceeding Thirty Days, and to solitary Confinement not exceeding Twenty Days.

XIII. And be it enacted, That it shall be lawful for any Officer commanding any distinct Detachment or Portion of His Majesty's Royal Marine Forces which may at any Time be serving out of His Majesty's Dominions, upon Complaint made to him of any Offence committed against the Property or Person of any Inhabitant of or Resident in any such Countries by any Person under the immediate Command of any such Officer, to summon and cause to be assembled a Court-martial, which shall consist of not less than Three Officers, for the Trial of any such Person, notwithstanding such Officer shall not have received any Warrant empowering him to assemble Courts-martial; and every such Court-martial shall have the same Powers in regard to summoning and examining Witnesses, Trial of and Sentence upon Offenders, as are granted by this Act to General Courts-martial: Provided that no Sentence of any such Court-martial shall be executed until the General commanding in chief the Army of which the Division, Brigade, Detachment, or Party to which any Person so tried shall belong shall have approved and confirmed the same.

Detachment
Courts-martial.

XIV. And be it enacted, That every Marine convicted of Desertion by a General, a District, or a Garrison Court-martial, shall thereupon forfeit all Advantage as to additional Pay, and to Pension on Discharge, in addition to any other Punishment which such Court may award; and it shall be lawful for any General Court-martial assembled to try the Crime of Desertion, in addition to any other Punishment such Court may award, to direct that the Offender be marked on the Left Side, Two Inches below the Arm Pit, with the Letter D, such Letter not to be less than Half an Inch long, and to be marked on the Skin with some Ink or Gunpowder, or other Preparation, so as to be visible and conspicuous, and not liable to be obliterated.

Marking a
Deserter.

XV. And be it enacted, That every Officer and other Person employed in the Care or Distribution of any Money, Provisions, Forage, or Stores belonging to His Majesty's Royal Marine Forces or for their Use, who shall embezzle or fraudulently misapply, or cause to be embezzled or fraudulently misapplied, or shall wilfully suffer any Money, Provisions, Forage, Arms, Clothes, Ammunition, or other Military or Royal Marine Stores to be embezzled or fraudulently misapplied, or to be spoiled or damaged, may be tried for the same by a General Court-martial, which is hereby empowered to adjudge any such Offender to be transported as a Felon for Life or for any certain Term of Years, or to suffer such Punishment of Fine, Imprisonment, Dismissal from His Majesty's Service, with Incapacity of serving His Majesty in any Office, Civil or Military, as such Court shall think fit, according to the Nature and Degree of the Offence; and that such Person shall, in addition to any other Punishment, make good at his own Expence the Loss and Damage thereby

Trial and Pu-
nishment for
Embezzlement.

thereby sustained, to be ascertained by such Court-martial, which shall have Power to sentence the Offender to be imprisoned until the same, and any Fine which may be imposed, be paid and satisfied to His Majesty.

Witnesses.

XVI. And be it enacted, That all Witnesses, whether Military or otherwise, duly summoned by the Judge Advocate, or the Person appointed to officiate as such, or by the President of a District or Garrison Court-martial, to give Evidence on any Court-martial, shall, during their necessary Attendance in such Courts, and in going to and returning from the same, be privileged from Arrest, and shall, if nevertheless arrested contrary to the Intent of this Act, be forthwith discharged out of Custody by the Order of the Court out of which the Writ or Process for such Arrest was issued; and if such Court shall not be then sitting, then by the Order of any Judge of the Court of King's Bench at *Westminster* or *Dublin*, or of the Courts of Session in *Scotland*, or Courts of Law elsewhere, as the Case may require, upon its being made appear to such Court or Judge, by Affidavit in a summary Way, that such Witness was arrested in going to or returning from or attending such Court-martial; and every Person so duly summoned as a Witness who shall not attend, or attending shall refuse to be sworn, or being sworn shall refuse to give Evidence at any such Court-martial, or to answer all such Questions as the Court may legally demand of him, shall be liable to be attached, proceeded against, and punished in the Court of King's Bench at *Westminster* or *Dublin*, or Court of Session or other Court of Law in *Scotland* or elsewhere, in the same Manner as Persons disobeying the Subpcena to testify, or any similar Process of such Courts, are liable to be proceeded against and punished.

Transportation
of Offenders.

XVII. And be it enacted, That whenever His Majesty shall intend any Sentence of Transportation to be carried into execution, or shall be graciously pleased to extend His Royal Mercy, upon Condition of Transportation, to any Offender subject to the Punishment of Death by the Sentence of a General Court-martial, such Sentence (together with His Majesty's Pleasure upon the same, in Cases of Commutation of Sentence,) shall be notified in Writing by the Lord High Admiral, or by any Two or more of the Commissioners for executing the said Office of Lord High Admiral, for the Time being, to any Justice of the King's Bench, Common Pleas, or Baron of the Exchequer, and thereupon such Justice or Baron shall make an Order for the Transportation of such Offender upon the Terms and for the Time which shall be specified in such Notification, and shall also do all such other Acts consequent upon the same as any such Justice or Baron is authorized to make or do by any Statute or Statutes in force at the Time of making any such Orders in relation to the Transportation of Offenders; and such Order, and other Acts to be so made and done as aforesaid, shall be obeyed and executed by such Person in whose Custody such Offender shall at that Time be, and by all other Persons whom it may concern, and shall be as effectual, and have all the same Consequences, as any Order made under the Authority of any Statute with respect to any Offender in such Statute mentioned; and every Sheriff, Gaoler, Keeper, Governor, or Superintendent whom it may concern, and all Constables and other Persons, shall be bound to

obey the aforesaid Order and Orders, be assistant in the Execution thereof, and be liable to the same Punishment for Disobedience or interrupting the Execution of the same, as they would be if the same had been made under the Authority of any other Act of Parliament; and every Person so ordered to be transported as aforesaid shall be subject respectively to all and every the Penalties and Provisions made by Law and in force concerning Persons convicted of any Crime, and sentenced to be transported, or receiving His Majesty's Pardon on Condition of Transportation; and from the Time when such Order of Transportation shall be made every Law and Statute now in force touching the Escape of Felons shall apply to such Offender, and to all Persons aiding, abetting, contriving, or assisting in any Escape or intended Escape of any such Offender; and the Judge who shall make any Order of Transportation as aforesaid shall direct the Notification of His Majesty's Pleasure, and his own Order made thereupon, to be filed and kept of Record in the Office of the Clerk of the Crown of the Court of King's Bench; and the said Clerk shall have a Fee of Two Shillings and Sixpence only for filing the same, and shall, on Application, deliver a Certificate in Writing (not taking more than Two Shillings and Sixpence for the same) to such Offender or to any Person applying in his or in His Majesty's Behalf, shewing the Christian and Surname of such Offender, the Place where the Court was held before whom he was convicted, and the Conditions on which the Order of Transportation was given; which Certificate shall be sufficient Proof of the Conviction and Sentence of such Offender, and also of the Terms on which such Order for his Transportation was given, in any Court and in any Proceeding wherein it may be necessary to inquire into the same.

XVIII. And be it enacted, That in all Cases of any Person belonging to the Royal Marine Forces being sentenced by any General or other Court-martial to Imprisonment in any House of Correction, Common Gaol, or Public Prison, the Gaolers and Keepers of such Houses of Correction, Gaols, or Prisons respectively shall receive into their Custody every such Person, upon receiving an Order in Writing for that Purpose from the Commanding Officer of the Division at which such Court-martial shall have been held, together with a Copy of the Sentence attested by the said Commanding Officer, and shall detain him in Confinement in the Manner and for the Period mentioned in such Sentence, or until he be duly discharged, or shall deliver him up to such Person producing an Order in Writing to that Effect from any such Commanding Officer, although the Period for which he was committed shall not have expired; and every such Gaoler or Keeper refusing or neglecting to receive and confine any such Person, pursuant to such Sentence, or to discharge him upon any such Order, shall, on being convicted thereof, forfeit for every such Offence the Sum of One hundred Pounds.

Imprisonment
of Offenders.

XIX. And be it enacted, That whenever it shall be deemed expedient it shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, for the Time being, by any Order in Writing to be made for that Purpose, under the Hand of the said Lord High Admiral, or the Hands of Two or more of the Commissioners aforesaid, and the Seal

Place of Con-
finement of
Offenders may
be changed.

of

of the Office of Admiralty, to change the Place of Confinement expressed in any Sentence of a Court-martial to be held under the Authority of this Act, either previous to the Commitment of the Offender or under any such Sentence, or at any Time during the Period of his Confinement, and so from Time to Time as often as it shall be deemed requisite; and the Gaoler or other Person having the Custody of such Offender shall, immediately on the Receipt of any such Order, remove and convey such Offender to the Gaol, Prison, or House of Correction mentioned in the said Order so to be made as aforesaid (for the Charges of which Removal and Conveyance he shall be allowed a Sum not exceeding One Shilling *per* Mile); and every Gaoler or Keeper of such last-mentioned Gaol or House of Correction shall thereupon, and upon being furnished with a Copy of the Sentence of Confinement, and of such Order of Removal, (such Copies respectively to be attested by the Secretary of the Admiralty for the Time being,) receive into his Custody, and shall confine pursuant to such Sentence, every such Offender, under the like Penalty and Forfeiture, in case of Refusal or Neglect, as is lastly herein-before provided.

Offences against
former Mutiny
Acts may be
tried under this
Act.

XX. And be it enacted, That all Crimes and Offences committed against any former Act made for the Regulation of the Royal Marine Forces while on Shore, or against any of the Rules, Regulations, or Articles of War made and established by virtue of the same, may during the Continuance of this Act be inquired of and punished in like Manner as if they had been committed against this Act; and every Warrant for holding any Court-martial under any former Act shall remain in full Force, notwithstanding the Expiration of such Act; and all Proceedings of any Court-martial upon any Trial begun under the Authority of such former Act shall not be discontinued by the Expiration of the same: Provided always, that no Person shall be liable to be tried and punished for any Offence against any of the said Acts or Articles of War which shall appear to have been committed more than Three Years before the issuing of the Commission or Warrant for such Trial, unless the Person accused, by reason of his having absented himself, or of some other manifest Impediment, shall not have been amenable to Justice within that Period, in which Case such Person shall be liable to be tried at any Time not exceeding Two Years after the Impediment shall have ceased; and provided also, that if any Officer or Marine in any Place beyond the Seas shall commit any of the Offences punishable by Court-martial under this Act, and shall escape, and come or be brought into this Realm, before he be tried for the same, he shall, when apprehended, be tried for the same as if such Offence had been committed within this Realm.

Limitation as
to Time.

Appeal.

XXI. And be it enacted, That no Person who shall have been acquitted or convicted of any Offence at any Court-martial shall be liable to be tried a Second Time for the same Offence, except in the Case of an Appeal from a Divisional to a General Court-martial; and that no Sentence of any Court-martial, signed by the President thereof, shall be liable to be revised more than once; and no Witness shall be examined nor shall any additional Evidence be received by the Court on such Revision.

Revision of
Sentence.

Forfeiture of
Pay.

XXII. And be it enacted, That no Marine shall be entitled to receive Pay for any Period during which he shall have been absent,
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without

without due Authority, from his Duty in His Majesty's Service; and that every Non-commissioned Officer, Drummer, or Private Marine who shall, by the Sentence of any Court of Law or Court-martial, or by the Warrant of a Justice of the Peace, be imprisoned, or who shall be confined for Debt, shall forfeit all Right to any Pay from the Day of his Arrest during the Time of such Imprisonment; and the Gaoler or other Person in whose Custody he shall be shall receive the Sum of Sixpence *per Diem* out of the Pay of such Non-commissioned Officer or Private Marine, to be applied for his Subsistence during the Time he shall continue in Custody; which said Sum shall, under the Authority of the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, for the Time being, be paid to the said Gaoler, upon the Application in Writing made to the Secretary of the Admiralty by any Justice for the County or Place in which such Gaol shall be situate, accompanied by a Copy of the Order under which the Prisoner is confined: Provided always, that it shall be lawful for the said Lord High Admiral, or the said Commissioners, for the Time being, if they shall think fit, to order the Issue and Payment of any Arrears of Pay, or of the Surplus of such Pay, or any Portion thereof, to or on account of such Marine, during or after the Expiration of the Period of his Imprisonment: Provided also, that in case such Imprisonment shall be in any Place of Military Confinement, then the like Allowance of Sixpence *per Day* for Subsistence shall be made to the Marine so imprisoned, in lieu of all Pay or other Allowances: Provided also, that in the Calculation of the Period to entitle a Marine to Pension, or increased Rate of Pay for Services, no Part of the Time during which he may have been imprisoned shall be included.

Subsistence of
Offenders while
in Custody.

Arrears of Pay.

XXIII. And be it enacted, That no Commissioned Officer who shall be arrested and committed to Prison upon a Charge of any Criminal Offence shall receive any Part of his Pay from the Day of such Commitment till the Day of his Return to the Company to which he shall belong or which he shall be ordered to join; and if he shall be acquitted of the Offence for which he was committed, he shall, upon his Return to his Company, with the Approbation of the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, but not otherwise, be entitled to receive all Arrears of Pay which were growing due during the Time of his Confinement; but if he shall be convicted, he shall forfeit all Right to any Pay from the Day of his Commitment until the Day of his Return to the Company to which he shall belong or which he shall be ordered to join.

Pay of Commissioned Officers
charged with
criminal
Offences.

XXIV. And be it enacted, That every Judge Advocate or Person officiating as such at any General Court-martial, or the President of any other Court-martial, shall transmit, with all reasonable Expedition, the original Proceedings and Sentence thereof to the Secretary of the Admiralty for the Time being; and that the Person tried by any General Court-martial shall, upon Application to the Secretary of the Admiralty, be entitled, at any Time after the Expiration of Three Calendar Months from the Date of such Sentence, but not sooner than Three Months, whether such Sentence be approved or not, to a Copy of the Proceedings and Sentence, upon paying reasonably for the same, according to the Length thereof; provided that such Demand as aforesaid

Report of Proceedings of
Courts-martial.

aforesaid shall have been made within the Space of Three Years from the Date of the Approval or other final Decision upon the Proceedings before such General Court-martial.

Subsequent En-
listment no Pro-
tection from
Punishment for
Desertion.

XXV. And be it enacted, That every Marine shall be liable to be tried and punished for Desertion from any Corps into which he may have enlisted, or from His Majesty's Service, although he may of right belong to the Corps from which he shall have originally deserted; and if such Person shall be claimed as a Deserter by the Corps to which he originally belonged, and be tried as a Deserter therefrom, or shall be tried as a Deserter from any other Corps into which he may have enlisted, or if he shall be tried while actually serving in some Corps for Desertion from any other Corps, every Desertion previous or subsequent to that for which he shall be under Trial, as well as every previous Conviction for any other Offence, may be given in Evidence, as an Aggravation of the Crime for which he shall be under Trial; and in like Manner, upon the Trial of any Marine for any Offence whatever, any previous Convictions may be given in Evidence against him; provided that no such Evidence shall be received in any Case until after the Court shall have found the Prisoner guilty, and then only for the Purpose of fixing Punishment; and provided that in all Cases previous Notice shall have been given to the Offender of the Intention to produce such Evidence upon his Trial.

Apprehension of
Deserters.

XXVI. And be it enacted, That it shall be lawful for the Constable of any Place where any Person reasonably suspected to be a Deserter shall be found, or of any adjoining Place, and if no such Constable can be immediately met with, then for any Officer, Marine, or other Soldier in His Majesty's Service, to apprehend or cause such suspected Person to be apprehended, and cause him to be brought before any Justice living in or near such Place, and acting for the same or any adjoining County, who hath hereby Power to examine such suspected Person; and if, by his Confession, or the Testimony of One or more Witnesses upon Oath, or by the Knowledge of such Justice, it shall appear that such suspected Person is a Marine unlawfully absent from his Duty, such Justice shall forthwith cause him to be conveyed to the nearest or most convenient public Prison in the same or any next adjoining County, and shall transmit an Account thereof, in the Form prescribed for that Purpose in the Schedule annexed to this Act, to the Secretary of the Admiralty, with a Description of the Person of such Deserter, and the Name of the Division to which he shall belong, and also certifying the Names of the Persons by whom the Deserter was apprehended; and if the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, shall be satisfied such last-mentioned Persons are justly entitled to a Reward for such Apprehension, the said Secretary shall in return transmit to such Justice an Order upon the proper Department for the Payment of the Sum of Twenty Shillings as a Reward to the Persons so certified to be entitled thereto; which Reward shall be paid and charged against the Pay and Subsistence of any such Deserter, and stopped out of the same: Provided always, that no Fee or Reward shall be taken by any Justice or his Clerk in respect of any Information, Commitment, or Report in the Case of any such Deserter.

XXVII. And

XXVII. And be it enacted, That every Person who shall voluntarily surrender or deliver himself up as a Deserter from His Majesty's Royal Marine Forces, or who, upon being apprehended on any Charge, shall, in the Presence of the Justice, confess himself to be a Deserter from such Forces, shall be deemed to have been duly enlisted, and to be a Marine, and shall be liable to serve in the said Forces, whether he shall have been ever actually enlisted as a Marine or not; and if the Person so confessing himself to be a Deserter shall at the Time actually belong to the Royal Marine Forces, he shall be deemed to be and shall be dealt with as a Deserter, or shall be liable to be punished as a Rogue and Vagabond, or may be prosecuted and punished for obtaining Money under false Pretences; and the Confession and receiving Subsistence as a Marine by such Person shall be sufficient Evidence of the false Pretence and obtaining Money.

Fraudulent
Confession of
Desertion.

XXVIII. 'And whereas it has been judged expedient, for the
' Prevention of Desertion, to establish Outlying Parties in the
' Vicinity of the respective Divisions of Royal Marines, for the
' Purpose of intercepting such Men as may straggle or attempt
' to desert from Head Quarters, and it is fit that Encouragement
' should be given to Persons composing such Parties to be diligent
' and active in their Duty in this Behalf;' be it therefore enacted, That for and in respect of every Non-commissioned Officer or Private Marine so straggling or attempting to desert, who may be apprehended at a greater Distance from Head Quarters than is allowed by the Articles of War, the Party or Parties by whom he shall be apprehended shall be entitled to a Reward of Ten Shillings, to be paid upon the delivering up of such Marine; which Sum of Ten Shillings shall be charged against and stopped and retained out of the Pay and Subsistence of every such Non-commissioned Officer and Private Marine, in like Manner as the Reward or Sum of Twenty Shillings is herein-before directed to be charged against, stopped, and retained out of the Pay and Subsistence of every Deserter.

Reward for
apprehending
Marines at-
tempting to
desert.

XXIX. And be it enacted, That every Person who shall in any Part of His Majesty's Dominions directly or indirectly persuade any Marine to desert, shall suffer such Punishment by Fine or Imprisonment, or both, as the Court before which the Conviction may take place shall adjudge; and every Person who shall assist any Deserter from His Majesty's Royal Marine Service in deserting or in concealing himself from such Service, knowing him to be such Deserter, shall forfeit for every such Offence the Sum of Twenty Pounds.

Penalty for in-
ducing or assist-
ing to desert.

XXX. And be it enacted, That the Gaoler or other Person having the immediate Inspection of any Prison, Gaol, or House of Correction, shall diet and supply every Marine in his Custody with Fuel and other Necessaries according to the Regulations of the Prison to which he shall be so committed, and shall receive on account of every such Marine, during his Imprisonment, Sixpence *per Diem* for his Subsistence, to be issued out of the Pay of such Marine, upon Application in Writing, signed by any Justice within whose Jurisdiction such Prison shall be locally situated, together with a Copy of the Order of Commitment, and which Sum of Sixpence *per Diem* shall be carried to the Credit of the Fund from which the Expence of such Prison is defrayed; and all Gaolers and Keepers of Prisons

Custody and
Subsistence of
Deserters.

Prisons shall and they are hereby authorized and required to receive and confine every Deserter from the Royal Marines who shall be delivered into their Charge by any Officer, Soldier, or Marine conveying any such Deserter under lawful Authority, on the Production of the Warrant or Authority on which such Deserter shall have been taken or detained: and every Gaoler or Keeper so receiving a Deserter shall be entitled to One Shilling for the safe Custody of him, while halted on the March, and to such daily Subsistence as is herein-before provided for the Maintenance of Marines confined under any Sentence or otherwise.

Notice of Expiration of Imprisonment.

XXXI. And be it enacted, That every Gaoler, having Notice that any Person in his Custody is a Marine liable to serve His Majesty, shall, previous to the Expiration of the Period of the Imprisonment of such Marine, give One Month's Notice, or if there shall not be sufficient Time for a Month's Notice, then the longest practicable Notice thereof, to the Secretary of the Admiralty.

Penalty for forcible Entry.

XXXII. And be it enacted, That every Marine Officer who shall, without Warrant from One or more of His Majesty's Justices, forcibly enter into or break open the Dwelling House or Outhouses of any Person whomsoever, under Pretence of searching for Deserters, shall, upon due Proof thereof, forfeit the Sum of Twenty Pounds.

Enlisting and swearing of Recruits.

XXXIII. And be it enacted, That every Person who shall receive Enlisting Money to serve in the Royal Marines, from any Person employed in the Recruiting Service, he being an Officer, Non-commissioned Officer, or attested Marine, shall be deemed to be enlisted as a Marine in His Majesty's Service, and while he shall remain with the Recruiting Party shall be entitled to be billeted; and every Person who shall enlist any Recruit shall first ask the Person offering to enlist whether he does or does not belong to the Militia, and shall cause to be taken down in Writing the Name and Place of Abode of such Recruit; and when any Person shall be enlisted as a Marine, he shall, within Four Days but not sooner than Twenty-four Hours after such Enlisting, appear, together with some Person employed in the Recruiting Service of the Party with which he shall have enlisted, before a Justice residing in the Vicinity of the Place, and acting for the Division or District where such Recruit shall have been enlisted, and not being an Officer in the Marines; and if such Recruit shall declare his having voluntarily enlisted, the said Justice shall put to him the several Questions contained in the Schedule to this Act annexed, and shall record or cause to be recorded, in Writing, his Answers thereunto; and the said Justice is hereby required forthwith to cause the Answers so recorded in Writing, and the Third, Fourth, and Fifth Articles of the Second Section of the Articles of War against Mutiny, and the First Article of the Third Section of the said Articles of War against Desertion, to be read over, in his own Presence, to such Recruit, and to administer to such Recruit the Oath in the Schedule to this Act annexed for limited or unlimited Service, or for Service in the Forces of the *East India* Company, as may be applicable to the Case of the Recruit, and no other Oaths, any thing in any Acts to the contrary notwithstanding; and the said Justice is hereby required to give, under his Hand, the Certificate in the Schedule to this Act annexed; and if any such Recruit so to be certified shall refuse

refuse to take the Oath in the Schedule to this Act annexed before the said Justice, it shall be lawful for the Officer or Non-commissioned Officer with whom he enlisted to detain and confine such Person until he shall take the said Oath of Fidelity.

XXXIV. And be it enacted, That any Recruit appearing as aforesaid before such Justice shall be at liberty to declare his Dissent to such Enlisting, and upon such Declaration, and returning the Enlisting Money, and also paying the Sum of Twenty Shillings for the Charges expended upon him, together with the full Amount of Subsistence and Beer Money which shall have been paid to such Recruit subsequent to his Enlistment, shall be forthwith discharged in the Presence of such Justice; but if such Person shall refuse or neglect, within the Space of Twenty-four Hours after so declaring his Dissent, to return such Money as aforesaid, he shall be deemed and taken to be enlisted as if he had given his Assent thereto before the said Justice; and it shall also be lawful for any Justice to discharge any Person who shall have hastily enlisted, and who shall apply to him to declare his Dissent within such Four Days as aforesaid, upon Payment of the Sum of Money required to be paid by any Recruit declaring his Dissent under this Act, notwithstanding no Person belonging to the Recruiting Party shall be with the Recruit, provided it shall appear to such Justice, upon Proof to his Satisfaction, that the Recruiting Party has left the Place where such Recruit was enlisted, or that the Recruit could not procure any Person belonging to such Party to go with him before the Justice; and the Sum paid by such Recruit upon his Discharge shall be kept by the Justice, and paid to any Person belonging to the Recruiting Party entitled thereto and demanding the same: Provided always, that no Recruit who has actually though erroneously been discharged by the Justice before the Expiration of Twenty-four Hours after the Time of his Enlistment shall be liable on that Account to be proceeded against as having deserted from His Majesty's Service; and the Justice who shall discharge any Recruit shall in every Case give to him a Certificate, under his Hand, specifying the Cause thereof.

Dissent and Relief from Enlistment.

XXXV. And be it enacted, That any Person duly bound as an Apprentice, who shall enlist into His Majesty's Royal Marine Forces, and shall state to the Magistrate before whom he shall be attested that he is not an Apprentice, shall be deemed guilty of obtaining Money by false Pretences, and shall, after the Expiration of his Apprenticeship, whether he shall have been so convicted and punished, or not, be liable to serve as a Marine; and if on the Expiration of his Apprenticeship he shall not deliver himself up to some Officer authorized to receive Recruits, may be taken as a Deserter from His Majesty's Royal Marine Forces.

Apprentices enlisting to be liable to serve after the Expiration of their Apprenticeship.

XXXVI. And be it enacted, That no Apprentice claimed by his Master shall be taken from any Division, Detachment, Recruiting Party, or Ship of His Majesty, except under a Warrant of a Justice residing near and within whose Jurisdiction such Apprentice shall then happen to be, before whom he shall be carried; and such Justice shall inquire into the Matter upon Oath (which Oath he is hereby empowered to administer), and require the Production and Proof of the Indenture, and that Notice of the said Warrant has been given to and a Copy left with the Officer under whose Command the Apprentice shall then be, and that such

Punishment of Apprentices enlisting.

Person so enlisted declared that he was no Apprentice; and such Justice, if required by such Officer, shall commit the Offender to the Common Gaol of the said Place where the Apprentice shall be apprehended, and shall keep the Indenture to be produced when required, and shall bind over such Person as he may think proper to give Evidence against the Offender, who shall be tried at the next or next succeeding General or Quarter Sessions of the County, Division, or Place, unless the Court shall on just Cause put off the Trial; and the Production of the Indenture, with the Certificate of the Justices that the same was proved, shall be sufficient Evidence of the said Indenture; and every such Offender in *Scotland* may be tried by the Judge Ordinary in the County or Stewartry, in such and the like Manner as any Person may be tried in *Scotland* for any Offence not inferring a Capital Punishment; and any Justice not required as aforesaid to commit such Apprentice may deliver him to his Master: Provided always, that every Apprentice who shall enlist into the Royal Marines during the Period of his Apprenticeship shall be deemed guilty of a Misdemeanor, and upon Conviction be liable to the same Punishment as Offenders convicted of obtaining Money under false Pretences are liable to; and every such Apprentice shall, after the Expiration of his Apprenticeship, whether he shall have been prosecuted or not, be liable to serve in His Majesty's Royal Marine Forces; and if on the Expiration of his Apprenticeship he shall not deliver himself up to some Officer authorized to receive Recruits, he may be apprehended as a Deserter from His Majesty's Marine Forces.

Offences connected with
Enlistment.

XXXVII. And be it enacted, That if any Recruit shall receive the Enlisting Money from any Person employed in the Recruiting Service (knowing it to be such), and shall abscond or refuse to go before such Justice, or shall thereafter absent himself from the Recruiting Party or Person with whom he enlisted, and shall not voluntarily return to go before some Justice within such Period of Four Days as aforesaid, such Recruit shall be deemed to be enlisted and a Private in His Majesty's Royal Marine Forces, as fully to all Intents and Purposes as if he had been duly attested, and may be apprehended and punished as a Deserter, or for being absent without Leave, under any Articles of War made for the Punishment of Mutiny and Desertion; and such Recruit shall not be discharged by any Justice of the Peace after the Expiration of such Four Days as aforesaid, unless it shall be proved to the Satisfaction of such Justice that the true Name and Residence of the Recruit was disclosed and known to the Recruiting Party, and that no Notice was given to the Recruit, or left at his usual Place of Abode, of his having so enlisted; provided that in every Case wherein any Recruit shall have received Enlisting Money, and shall have absconded from the Party, so that it shall not be possible immediately to apprehend and bring him before a Justice, the Officer or Non-commissioned Officer commanding the Party shall produce, to the Justice before whom the Recruit ought regularly to have been brought for Attestation, a Certificate of the Name and Place of Residence of such Recruit; and the Justice to whom such Certificate shall be produced shall, after satisfying himself that the Recruit who had absconded cannot be found and apprehended,

hended, transmit a Duplicate thereof to the Secretary of the Admiralty, in order that, in the Event of such Recruit being afterwards apprehended and reported as a Deserter, the Fact of his having received Enlisting Money, and having absconded after having been enlisted, may be ascertained before he be finally adjudged to be a Deserter; and any Recruit who shall enlist into His Majesty's Royal Marine Forces, and who shall be discovered to be incapable of active Service by reason of any Infirmary concealed or not declared by such Recruit before the Justice at the Time of his Attestation, and mentioned therein, may be transferred into a Garrison or Veteran or Invalid Battalion, and shall be entitled to receive such Proportion or Residue of Bounty only as the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, may allow in that Behalf, instead of the Bounty upon which such Man shall have been enlisted, any Act or any Rules and Regulations to the contrary notwithstanding; and it shall be lawful for any Two Justices before whom any Recruit shall be brought, and who shall be proved, upon Oath before them, to have wilfully concealed his having been a Marine or Soldier and discharged, or to have concealed his having been discharged on any prior Enlistment, or to have wilfully concealed any Infirmary upon being attested, or designedly made any false Representation, to adjudge such Person to be a Rogue and Vagabond, and to sentence him to such Punishment as by any Law now in force may be inflicted on Rogues and Vagabonds and Vagrants and incorrigible Rogues; and any Recruit who shall designedly make any false Representation of any Particular contained in the Oaths and Certificates in the Schedule to this Act annexed, before the Justice at the Time of his Attestation, and shall thereby obtain any Enlisting Money, or any Bounty for entering into His Majesty's Service, or any other Money, shall be deemed guilty of obtaining Money under false Pretences, within the true Intent and Meaning, if in *England*, of an Act, intituled *An Act for consolidating and amending the Laws in England relative to Larceny and other Offences connected therewith*; and if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for consolidating and amending the Laws in Ireland relative to Larceny and other Offences connected therewith*; and the Production of such Certificate, and Proof of the Handwriting of the Justice giving such Certificate, shall be sufficient Evidence of such Party having represented the several Particulars contained in the Oath sworn by him, and specified in the Certificate of the Justice at the Time of his having been attested; and that Proof by the Oath of One or more credible Witnesses, that the Person so prosecuted hath voluntarily acknowledged that at the Time of his Enlistment he belonged to the Militia, or to any Regiment in His Majesty's Service, or to His Majesty's Navy or Marines, shall be deemed and taken as Evidence of the Fact so by him acknowledged, without Production of any Roll or other Document to prove the same; and any Man who, having been enrolled to serve in the Militia, and who at the Time of offering to enlist into the Marines shall deny that he is a Militia Man, or shall deny to the Justice before whom he shall be attested that he belongs to the Militia, shall, on Conviction thereof before any One Justice in the

7 & 8 G. 4. c. 29.

9 G. 4. c. 55.

United Kingdom, either upon the Oath of One Witness or upon his own Confession, or upon the Production of the Attestation and the before-mentioned Declaration of such Person, certified by the Secretary of the Admiralty, be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for and during any Time not exceeding Six Calendar Months, over and above any Penalty or Punishment to which such Person so offending may be otherwise liable; and shall, from the Day on which his Engagement to serve in the Militia shall end, and not sooner, belong as a Soldier to the Division of His Majesty's Royal Marine Forces into which he has so enlisted; provided also, that every such Person shall be liable to serve in His Majesty's Royal Marine Forces, in which he has so enlisted, during all the Time the Militia to which he shall belong shall remain disembodied or shall not be called out for Training or Exercise, and shall during all such Time be subject to all the Provisions of this Act, and be liable to be apprehended and dealt with and punished as a Deserter from the Marines if he shall neglect or refuse to join and serve therein.

Yearly Servants
enlisting to be
entitled to a
Proportion of
their Wages.

XXXVIII. And be it enacted, That it shall be lawful for the Justice before whom any Recruit (being a hired Servant) shall be attested, before the Expiration of the Term of Service for which he shall have been hired, to adjudge to such Recruit a reasonable Proportion of his Wages for the Time he shall have actually served, to be forthwith paid by the Master, upon whom the said Justice shall make an Order accordingly, and if the same be not paid within Four Days shall enforce the Payment thereof by the same Means as pecuniary Penalties may under this Act be recovered before a Justice.

Penalty on
Officers offend-
ing as to En-
listment.

XXXIX. And be it enacted, That every Marine Officer who shall designedly act contrary to the Provisions of this Act, in any respect regarding the enlisting and attesting of Recruits for His Majesty's Service, shall, upon Proof thereof upon Oath by Two Witnesses before a General Court-martial, be cashiered, and disabled to hold any Civil or Military Office or Employment in His Majesty's Service.

Claims of
Masters to Ap-
prentices.

XL. And be it enacted, That no Master shall be entitled to claim an Apprentice who shall enlist as a Marine in His Majesty's Service, unless such Master shall, within One Calendar Month next after such Apprentice shall have left his Service, go before some Justice, and take and subscribe the Oath mentioned in the Schedule to this Act annexed, and at the Time of making his Claim produce to the Officer under whose Command the Recruit shall be the Certificate of such Justice of his having taken such Oath, which Certificate such Justice is required to give in the Form in the Schedule to this Act annexed; nor unless such Apprentice shall have been bound, if in *England*, for the full Term of Seven Years, (not having been above the Age of Fourteen when so bound,) and, if in *Ireland* or in the *British Isles*, for the full Term of Five Years at the least, (not having been above the Age of Sixteen when so bound,) and, if in *Scotland*, for the full Term at least of Four Years, by a regular Contract of Indenture of Apprenticeship, duly extended, signed, and tested, and binding on both Parties by the Law of *Scotland*, prior to the Period of

Enlistment, and unless such Contract or Indenture so duly executed shall, within Three Months after the Commencement of the Apprenticeship and before the Period of Enlistment, have been produced to a Justice of the Peace of the County wherein the Parties reside, and there shall have been indorsed thereon by such Justice a Certificate or Declaration signed by him, specifying the Date when and the Person by whom such Contract or Indenture shall have been so produced, which Certificate or Declaration such Justice of the Peace is hereby required to indorse and sign; nor unless any such Apprentice shall, when claimed by such Master, be under Twenty-one Years of Age; provided that any Master of an Apprentice indentured for the Sea Service shall be entitled to claim and recover him in the Form and Manner above directed, notwithstanding such Apprenticeship may have been bound for a less Term than Seven, Five, or Four Years as aforesaid; and any such Master who shall give up the Indentures of Apprenticeship within One Month after the enlisting of such Apprentice shall be entitled to receive, to his own Use, so much of the Bounty payable to such Recruit, after deducting therefrom Two Guineas to provide him with Necessaries, as shall not have been paid to such Recruit before Notice given of his being an Apprentice.

XLI. And be it enacted, That Musters, as have been customary, shall be taken of every Division or Company of Royal Marines once in every Calendar Month, as shall be appointed; and no Officer or Marine shall be absent from any such Muster unless duly certified to be employed on some other Duty of the Corps, or sick, or in Prison, or on Furlough; and every Person belonging to His Majesty's Service who shall give or procure to be given any untrue Certificate, thereby to excuse any Person from any Muster or other Service which he ought to attend or perform, or shall make any false or untrue Muster of Man or Horse, or shall willingly allow or sign any false Muster or Duplicate thereof, or shall directly or indirectly take or receive any Money or Gratuity for mustering any Person, or for signing any Muster Roll or Duplicate, or shall knowingly muster any Person by a wrong Name, shall, upon Proof by Two Witnesses before a General Court-martial, for any such Offence be forthwith cashiered, and disabled to have or hold any Civil or Military Office or Employment in the Service of His Majesty; and any Person, who shall fraudulently offer or procure himself to be falsely mustered, or lend or furnish any Horse to be falsely mustered, shall, upon Proof thereof by the Oaths of Two Witnesses before some Justice of the Peace residing near to the Place where such Muster shall be made, forfeit the Sum of Twenty Pounds, and the Informer, if he belong to His Majesty's Service, shall, if he demand it, be forthwith discharged; and if any Person not belonging to His Majesty's Service shall give or sign any untrue Certificate of Illness or otherwise, in order to excuse any Officer or Marine from Appearance at any Muster, or whereby His Majesty's Service may be defrauded, every Person so offending shall for every such Offence forfeit the Sum of Twenty Pounds.

Musters, and
Penalty on
false Musters.

XLII. And be it enacted, That all Muster Rolls and Pay Lists of Royal Marines required to be verified upon Oath shall be sworn

Verifying of
Muster Rolls

before and attested by any Justice of the Peace, without Fee or Reward to himself or his Clerk.

Extension of
Furlough in
case of Sickness.

XLIII. And be it enacted, That when there shall not be any Officer of His Majesty's Land or Marine Forces of the Rank of Captain or of a superior Rank, or any Adjutant of Militia, within convenient Distance of the Place where any Non-commissioned Officer or Marine on Furlough shall be detained by Sickness or other Casualty rendering necessary any Extension of such Furlough, it shall be lawful for any Justice, who shall be satisfied of such Necessity, to grant an Extension of Furlough for a Period not exceeding One Month; and the said Justice shall immediately certify such Extension, and the Cause thereof, to the Commanding Officer of the Division or Detachment to which the Man belongs, if known, and if not, then to the Secretary of the Admiralty, in order that the necessary Allowance of Pay and Subsistence may be remitted to the Marine, who shall not during the Period of such Extension of Furlough be liable to be treated as a Deserter; provided that nothing herein contained shall be construed to exempt any Marine from Trial and Punishment, according to the Provision of this Act, for any false Representation made by him in that Behalf to the said Officer or Justice so extending the Furlough, or for any Breach of Discipline committed by him in applying for and obtaining the said Extension of Furlough.

Marching
Money on Dis-
charge.

XLIV. And be it enacted, That every Marine upon being discharged from the Service shall be entitled to an Allowance (not exceeding in any Case the Amount of Twenty-one Days Pay) to enable him to reach his Home, which Allowance shall be calculated according to the Distance he has to travel: Provided always, that no Person who shall purchase his own Discharge, or be discharged on account of Misbehaviour, or at his own Desire, shall be entitled to any such Allowance.

Billeting of
Marines.

XLV. ' And whereas there is and may be Occasion for the ' marching and also for the quartering of the Royal Marine Forces ' when on Shore; ' be it enacted, That during the Continuance of this Act, upon the Order or Orders in Writing in that Behalf under the Hand of the Lord High Admiral, or the Hands of Two or more of the Commissioners for executing the Office of Lord High Admiral, for the Time being, it shall be lawful for all Constables and other Persons specified in this Act, in *England* and *Ireland*, and they are hereby required, to billet the Officers and Marines whether marching or otherwise, and also all Staff and Field Officers Horses, and all Bât and Baggage Horses belonging to the Royal Marine Forces, when on actual Service, (not exceeding for each Officer the Number for which Forage is allowed by His Majesty's Regulations,) in Victualling Houses and other Houses specified in this Act, taking care in *Ireland* not to billet less than Two Men in any One House; and they shall be received by the Occupiers of such Houses, and be furnished with proper Accommodation in such Houses, and in *England* with Diet and Small Beer, and with Stables, Hay, and Straw for such Horses as aforesaid, paying and allowing for the same the several Rates herein-after provided; and at no Times when Marines are on a March shall any of them be billeted above One Mile from the Place mentioned in the Route; and

and in all Places where Marines shall be billeted in pursuance of this Act, the Officers and their Horses shall be billeted in one and the same House, except in case of Necessity; and the Constables are hereby required to billet all Marines on their March in a just and equal Proportion upon the Keepers of all Houses within One Mile of the Place mentioned in the Route, although some of such Houses may be in the adjoining County, in like Manner in every respect as if such Houses were therein locally situate: Provided always, that nothing herein contained shall be construed to extend to authorize any Constable to billet Marines out of the County to which such Constable belongs when the Constable of the adjoining County shall be present, and undertake to billet the due Proportion of Men in such adjoining County; and no more Billets shall at any Time be ordered than there are effective Marines and Horses present to be billeted; all which Billets, when made out by such Constables, shall be delivered into the Hands of the Commanding Officer present; and if any Person shall find himself aggrieved by having an undue Proportion of Marines billeted in his House, and shall prefer his Complaint, if against a Constable or other Person not being a Justice, to One or more Justices, and if against a Justice, then to Two or more Justices, within whose Jurisdiction such Marines are billeted, such Justices respectively shall have Power to order such of the Marines to be removed and to be billeted upon other Persons, as they shall see Cause; and when any Horses belonging to the Officers of His Majesty's Royal Marine Forces shall be billeted upon the Occupiers of Houses who shall have no Stables, then upon a written Requisition of the Officer commanding such Marines, the Constable is hereby required to billet the Horses upon some other Person having Stables by this Act liable to have Officers and Marines billeted upon them, and any Two or more Justices of the Peace may order a proper Allowance to be paid by the Persons relieved to the Persons receiving such Horses, or to be applied in the furnishing the requisite Accommodation; and the Commanding Officer may exchange any Man or Horse billeted in any Place with another Man or Horse billeted in the same Place, for the Convenience or Benefit of the Service, provided the Number of Men and Horses do not exceed the Number at that Time billeted on such Houses; and the Constables are hereby required to billet such Men and Horses so exchanged accordingly; and it shall be lawful for any Justice, at the Request of any Officer or Non-commissioned Officer commanding any Marines requiring Billets, to extend any Route, or enlarge the District within which Billets shall be required, in such Manner as shall appear to be most convenient to His Majesty's Service: Provided always, that to prevent or punish all Abuses in billeting Marines, it shall be lawful for any Justice, within his Jurisdiction, by Warrant or Order under his Hand, to require any Constable to give him an Account in Writing of the Number of Officers and Marines who shall be quartered by such Constable, together with the Names of the Persons upon whom such Officers and Marines are billeted, stating the Street or Place where such Persons dwell, and the Signs, if any, belonging to their Houses; and it shall be lawful to billet Officers and Marines in *Scotland* according to the Provisions of the Laws in force in *Scotland* at the

Time of its Union with *England*; and no Officer shall be obliged to pay for his Lodging where he shall be regularly billeted, except in the Suburbs of *Edinburgh*: Provided always, that no Justice, being an Officer of Royal Marines, shall directly or indirectly be concerned in billeting or appointing Quarters under this Act.

Allowance to
Innkeepers.

XLVI. And be it enacted, That the Innholder or other Person on whom any Marine is billeted in *England* shall, if required by such Marine, furnish him for every Day on the March, and for a Period not exceeding Two Days when halted at any intermediate Place upon the March, and for the Day of Arrival at the Place of final Destination, with One hot Meal in each Day, the Meal to consist of such Quantities of Diet and Small Beer as may be fixed by His Majesty's Regulations, not exceeding One Pound and a Quarter of Meat previous to being dressed, One Pound of Bread, One Pound of Potatoes or other Vegetables, and Two Pints of Small Beer, and Vinegar, Salt, and Pepper, and for such Meal the Innholder, or other Person furnishing the same, shall be paid the Sum of Ten-pence; and all Innholders, and other Persons on whom Marines may be billeted in *England*, (except on the March, when they are entitled to be furnished with the hot Meal as aforesaid,) shall furnish such Marines with Candles, Vinegar, and Salt, and shall allow them the Use of Fire and the necessary Utensils for dressing and eating their Meat, and shall be paid in consideration thereof the Sum of a Halfpenny *per Diem* for each Marine; and the Sum to be paid the Innholder or other Person on whom any of the Horses belonging to His Majesty's Royal Marine Forces shall be billeted, in *England*, for Hay and Straw, shall be Ten-pence *per Diem* for each Horse, and in *Ireland* the Sum to be paid for Forage to the Innholder or other Person for Horses billeted, by virtue of this Act, shall be the Rate established by the Lord Lieutenant or other sufficient Authority from Time to Time, the same to be regulated by the average Rate of Contracts for Forage in *Ireland*; and for the Use of Stables in *Ireland*, when such Horses are provided with Hay and Straw by Contract, and not by the Occupiers of the Houses in which they are billeted, the Sum of Four-pence *per Week* for each Horse shall be paid; and every Officer to whom it belongs to receive or who shall actually receive the Pay and Subsistence of the said Men shall every Four Days, or before they shall quit their Quarters, if they shall not remain so long as Four Days, settle the just Demands of all Victuallers or other Persons on whom such Men are billeted, out of their Pay and Subsistence, before any Part of the said Pay or Subsistence be distributed to them respectively; and if any such Officer shall not pay the same, then upon Complaint, and Oath made thereof by any Two Witnesses, at the next Quarter Session for the County or City where such Quarters are situate, the Secretary of the Admiralty is hereby required, upon Certificate of the Justices before whom such Oath shall be made of the Sum due to the Complainant, to order Payment of the Amount, which shall be charged against such Officer; and in case of any Marines being suddenly ordered to march, and of the Commanding Officer not being enabled to make immediate Payment of the Sums due on account of the Billets, every such Officer shall before his Departure make up the Account with every Person upon whom any such
Marines

Marines may have been billeted, and sign a Certificate thereof; which Account and Certificate, on being transmitted to the Secretary of the Admiralty, shall be immediately paid, and charged to the Officer's Account.

XLVII. And be it enacted, That for the regular Provision of Carriages for the Royal Marine Forces and their Baggage, on their Marches in *England* and *Ireland*, all Justices of the Peace within their several Jurisdictions, being duly required thereunto by Order of the said Lord High Admiral, or Two or more of the Commissioners for executing the said Office of Lord High Admiral, for the Time being, shall, on the Production of such Order to them, or any One or more of them, by the Officer or Non-commissioned Officer of the Party of Marines so ordered to march, issue a Warrant to any Constable having Authority to act in any Place from, through, near, or to which such Marines shall be ordered to march, (for each of which Warrants a Fee of One Shilling only shall be paid,) requiring him to provide the Carriages, Horses, Oxen, and Drivers therein mentioned, (allowing sufficient Time to do the same,) specifying the Places from and to which the said Carriages shall travel, and the Number of Miles between the Places, for which Number only so specified Payment shall be demanded, and which Number of Miles shall not, except in Cases of pressing Emergency, exceed the Day's March prescribed in the Order of Route, and shall in no Case exceed Twenty-five Miles; and the Constables receiving such Warrants shall order such Persons as they shall think proper, having Carriages, to furnish the requisite Supply, who are hereby required to furnish the same accordingly; and in case sufficient Carriages cannot be procured within the proper Jurisdiction, any Justice of the next adjoining Jurisdiction shall, by a like Course of proceeding, supply the Deficiency; and in order that the Burthen of providing Carriages may fall equally, and to prevent Inconvenience arising from there being no Justice residing near the Place where Marines may be quartered on the March, the Justice or Justices residing nearest to such Place shall cause a List to be made out, at least once in every Year, of all Persons liable to furnish such Carriages, and of the Number and Description of their said Carriages, (which Lists shall at all seasonable Hours be open to the Inspection of the said Persons,) and may by Warrant under his Hand authorize the Constables within his Jurisdiction to give Orders to provide Carriages, without any special Warrant for that Purpose, which Orders shall be valid in all respects; and all Orders for such Carriages shall be made from such Lists in regular Rotation, so far as the same can be done.

XLVIII. And be it enacted, That the Rates to be paid for Carriages impressed shall be, in *England*, for every Mile which a Waggon with Four or more Horses, or a Wain with Six Oxen or Four Oxen and Two Horses, shall travel, One Shilling; and for every Mile any Waggon with narrow Wheels, or any Cart with Four Horses, carrying not less than Fifteen Hundred Weight, shall travel, Nine-pence; and for every Mile every other Cart or Carriage with less than Four Horses, and not carrying Fifteen Hundred Weight, shall travel, Sixpence; and in *Ireland*, for every Hundred Weight loaded on any Wheel Carriage, One Halfpenny *per* Mile; and in *England* such further Rates may be added, not exceeding

Supply of
Carriages.

Rates for Car-
riages.

exceeding a total additional Sum *per* Mile of Four-pence, Three-pence, or Two-pence, to the respective Rates of One Shilling, Nine-pence, and Sixpence, as may seem reasonable to the Justices assembled at General Sessions in *England*, for their respective Districts; and the Order of such Justices at Sessions shall specify the average Price of Hay and Oats at the nearest Market Town at the Time of fixing such additional Rates, and the Period for which the Order shall be enforced not exceeding Ten Days beyond the next General Sessions; (and no such Order shall be valid unless a Copy thereof, signed by the presiding Magistrate and One other Justice, shall be transmitted to the Secretary of the Admiralty within Three Days after the making thereof;) and also in *England*, when the Day's March shall exceed Fifteen Miles, the Justice granting his Warrant may fix a further reasonable Compensation, not exceeding the usual Rate of Hire fixed by this Act; and when additional Rates or Compensation shall be granted, the Justice shall insert, in his own Hand, in the Warrant, the Amount thereof, and the Date of the Order of Sessions, if fixed by Sessions, and the Warrant shall be given to the Officer commanding as his Voucher: Provided always, that the Officer or Non-commissioned Officer demanding Carriages by virtue of the Warrant of a Justice shall, in *England*, pay down the proper Sums into the Hands of the Constables providing Carriages, who shall give Receipts for the same on unstamped Paper; and, in *Ireland*, the Officers or Non-commissioned Officers as aforesaid shall pay the Owners or Drivers of the Carriages, and One Third Part of such Payment shall be made before the Carriage be loaded, and all the said Payments in *Ireland* shall be made, if required, in Presence of a Justice or Constable: Provided also, that no Carriage shall be liable to carry more than Thirty Hundred Weight in *England*, and in *Ireland* no Car shall be liable to carry more than Six Hundred Weight, and no Dray more than Twelve Hundred Weight; but the Owner of such Carriages in *Ireland*, consenting to carry a greater Weight, shall be paid at the same Rate for every Hundred Weight of the said Excess; and the Owners of such Carriages in *Ireland* shall not be compelled to proceed, though with any less Weight, under the Sum of Three-pence a Mile for each Car, and Sixpence a Mile for each Dray; and the Loading of such Carriages in *Ireland* shall be first weighed, if required, at the Expence of the Owner of the Carriage, if the same can be done in a reasonable Time, without Hindrance of His Majesty's Service; and the providing and paying for Carriages in *Scotland* shall be regulated by the Law in force at the Time of the Union with *England*: Provided also, that a Cart with One or more Horses, for which the Furnisher shall receive Nine-pence a Mile, shall be required to carry Fifteen Hundred Weight at the least; and that no Penalties or Forfeitures in any Act relating to Highways or Turnpike Roads in the United Kingdom shall apply to the Number of Horses or Oxen, or Weight of Loading of the aforesaid Carriages, nor shall any such Carriages on that Account be stopped or detained.

Exemption
from Tolls.

XLIX. And be it enacted, That all Officers and Marines, being in proper Uniform, Dress or Undress, and their Horses, and all Carriages and Horses when employed in conveying Persons or Baggage under the Provisions of this Act, or returning therefrom, shall

shall be exempted from the Payment of any Duties and Tolls on embarking or disembarking from or upon any Pier, Wharf, Quay, or Landing Place, or passing Turnpike Roads or Bridges, otherwise demandable by virtue of any Act already made or hereafter to be made; provided that nothing herein contained shall exempt any Boats, Barges, or other Vessels employed in conveying the said Persons, Horses, Baggage, or Stores along any Canal, from Payment of Tolls, in like Manner as other Boats, Barges, and Vessels are liable thereto; and that when any Officers or Marines on Service shall have Occasion in the March to pass regular Ferries in *Scotland*, the Officer commanding shall be at liberty to pass over with his Marines as Passengers, paying for himself and each Marine One Half only of the ordinary Rate payable by Passengers, or he shall be at liberty to hire the Ferry Boat for himself and his Party, debarring all others for that Time, and shall in such Case pay only Half the ordinary Rate for such Boat.

L. And be it enacted, That if any Constable or other Person, who by virtue of this Act shall be employed in billeting any Officers or Marines in any Part of the United Kingdom, shall presume to billet any such Officer or Marine in any House not within the Meaning of this Act, without the Consent of the Owner or Occupier thereof; or shall neglect or refuse to billet any Officer or Marine on Duty, when thereunto required, in such Manner as is by this Act directed, provided sufficient Notice be given before the Arrival of such Marines; or shall receive, demand, or agree for any Money or Reward whatsoever, in order to excuse any Person from receiving any such Officer or Marine; or shall quarter any of the Wives, Children, Men or Maid Servants of any Officer or Marine in any such Houses, against the Consent of the Occupiers; or shall neglect or refuse to execute such Warrants of the Justices as shall be directed to him for providing Carriages, Horses, or Vessels, or shall demand more than the legal Rates for the same; or if any Person appointed by such Constable to provide Carriages, Horses, or Vessels shall do any Act or Thing by which the Execution of such Warrants shall be hindered; or if any Person liable by this Act to have any Officer or Marine quartered on him shall refuse to receive and to afford proper Accommodation or Diet in the House of such Person in which he is quartered, or to furnish the several Things directed to be furnished to Officers and Marines, or shall neglect or refuse to furnish good and sufficient Stables, together with good and sufficient Hay and Straw for each Horse, at the Rate established by any Act in force in that respect; or shall pay any Sum of Money to any Marine on the March in lieu of furnishing in Kind the Diet and Small Beer to which such Marine is entitled; such Constable, Victualler, and other Person respectively shall forfeit for every Offence, Neglect, or Refusal any Sum not exceeding Five Pounds nor less than Forty Shillings.

LI. And be it enacted, That if any Officer of Royal Marines shall take upon him to quarter Men otherwise than is allowed by this Act, or shall use or offer any Menace or Compulsion to or upon any Justice, Constable, or other Civil Officer, tending to deter and discourage any of them from performing any Part of their Duty under this Act, or to do any thing contrary thereto, such Officer shall for every such Offence, being thereof convicted before any

Penalties upon Civil Subjects offending against the Laws relating to Billets and Carriages.

Penalty upon Officers of Marines so offending.

Two or more Justices of the County by the Oath of Two credible Witnesses, be deemed and taken to be *ipso facto* cashiered, and shall be utterly disabled to hold any Military Employment in His Majesty's Service; provided a Certificate thereof be forthwith transmitted by the said Justices to the Secretary of the Admiralty, and that the Conviction be affirmed at some Quarter Sessions of the Peace for the said County to be held next after the Expiration of Three Months after such Certificate shall have been transmitted as aforesaid; and if any Marine Officer shall take, or knowingly suffer to be taken, any Money or Reward of any Person for excusing the quartering of Officers or Marines, or shall billet any of the Wives, Children, Men or Maid Servants of any Officer or Marine in any House, against the Consent of the Occupier, he shall for any of the said Offences, upon being convicted thereof before a General Court-martial, be cashiered; and if any Officer shall constrain any Carriage to travel beyond the Distance specified in the Justice's Warrant, or shall not discharge the same in due Time for their Return Home on the same Day, if it be practicable, except in the Case of Emergency, for which the Justice shall have given Licence, or shall compel the Driver of any Carriage to take up any Marine or Servant (except such as are sick) or any Woman to ride therein, except in Cases of Emergency as aforesaid, or shall force any Constable, by threatening Words, to provide Saddle Horses for himself or Servants, or shall force Horses from their Owners, or in *Ireland* shall force the Owner to take any Loading until the same shall be first duly weighed, if the same shall be required and can be done within a reasonable Time, or shall, contrary to the Will of the Owner or his Servant, permit any Person whatsoever to put any greater Load upon any Carriage than is directed by this Act, he shall forfeit for every Offence any Sum not exceeding Five Pounds or less than Forty Shillings.

Penalty for
purchasing
Clothes, &c.
from any
Marine.

LII. And be it enacted, That any Person who shall unlawfully have in his or her Possession or Keeping, or who shall knowingly detain, buy, or exchange, or otherwise receive, any Arms, Ammunition, Clothes, Cap, or other Military Furniture or Appointments, from any Marine or Marine Deserter, or any other Person, upon any Account or Pretence whatsoever, or any other Articles belonging to any Marine or Marine Deserter, which are generally deemed Regimental Necessaries, according to the Custom of the Royal Marine Corps, or shall change or cause the Colour or Mark of any such Clothes, Appointments, or Necessaries to be changed or defaced, shall forfeit for every such Offence the Sum of Ten Pounds, together with Treble the Value of all or any of the several Articles of which such Offender shall so become possessed; and if any credible Person shall prove on Oath before a Justice of the Peace a reasonable Cause to suspect that any Person has in his or her Possession, or on his or her Premises, any Property of the Description herein-before described, on or with respect to which any such Offence shall have been committed, the Justice may grant a Warrant to search for such Property as in the Case of stolen Goods.

Penalty on
Officers killing
Game.

LIII. And for the better Preservation of the Game and Fish in or near such Place where any Officers shall at any Time be quartered, be it enacted, That every Officer who shall, without Leave in Writing

Writing from the Person or Persons entitled to grant such Leave, take, kill, or destroy any Game or Fish within the United Kingdom, and who upon Complaint thereof shall be, upon Oath of One or more credible Witness or Witnesses, convicted before any Justice, shall for every such Offence forfeit the Sum of Five Pounds.

LIV. And be it enacted, That no Officer of His Majesty's Royal Marine Forces residing in Barracks or elsewhere under Military Law shall be deemed liable to have any Parish Poor Child bound Apprentice to him.

Officers not liable to take Parish Apprentices.

LV. And be it enacted, That any Justice in the United Kingdom, within whose Jurisdiction any Marine shall be quartered, may summon such Marine before him, which Summons such Marine is hereby required to obey, and take his Examination in Writing, upon Oath, touching the Place of his last legal Settlement in *England*, and such Justice shall give an attested Copy of such Examination to the Person so examined, to be by him delivered to his Commanding Officer, to be produced when required; which said Examination and such attested Copy shall be at any Time admitted in Evidence as to such last legal Settlement before any Justice or at any General or Quarter Sessions of the Peace, although such Marine be dead or absent from the Kingdom: Provided always, that in case any Marine shall be again summoned to make Oath as aforesaid, then, on such Examination or such attested Copy being produced, such Marine shall not be obliged to make any other or further Oath with regard to his legal Settlement, but shall leave with such Justice a Copy of such Examination, or a Copy of such attested Copy of Examination, if required.

Mode of recording a Marine's Settlement.

LVI. And be it enacted, That all Oaths which are authorized or required by this Act may be administered (unless where otherwise provided) by any Justice of the Peace or Magistrate acting as such; and that any Person giving false Evidence or taking a false Oath in any Case wherein an Oath is authorized or required to be taken by this Act, and being thereof duly convicted, shall be deemed guilty of wilful and corrupt Perjury, and shall be liable to such Pains and Penalties as Persons convicted of wilful and corrupt Perjury are or may be subject and liable to.

Administration of Oaths.

Perjury.

LVII. And be it enacted, That it shall be lawful for any Two Justices of the Peace, within their respective Jurisdictions, to grant or transfer any Licence for selling by Retail any Spirit, Beer, Wine, Cider, or Perry to any Person or Persons applying for the same who shall hold any Canteen under any Lease thereof, or by Agreement with any Department or other Authority under the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, for the Time being, without regard to the Time of Year, or any Notices or Certificates required by any Act in respect of such Licences, and the Commissioners of Excise within their respective Districts shall also grant or transfer any such Licence as aforesaid; and such Persons holding such Canteens, and having such Licences as aforesaid, may sell therein Victuals, and all such exciseable Liquors as they shall be licensed and empowered to sell, without being subject for so doing to any Penalty or Forfeiture whatever.

Licences of Canteens.

LVIII. And be it enacted, That if any Action shall be brought against any Member or Minister of a Court-martial to be assembled under

Limitation of Actions.

under the Authority of this Act, in respect of the Proceedings or the Sentence thereof, or against any other Person for any thing done in pursuance or under the Authority of this Act, the same shall be brought in some one of the Courts of Record at *Westminster* or *Dublin*, or in the Court of Session in *Scotland*, and shall be commenced within Six Months next after the Cause of Action shall arise, and that it shall be lawful for the Defendant or Defendants therein to plead thereto the General Issue, and to give all special Matter in Evidence on the Trial; and if the Verdict shall be for the Defendant in any such Action, or if the Plaintiff shall become Nonsuit, or suffer any Discontinuance thereof, or if, in *Scotland*, the Court shall see fit to assoilzie the Defendant or dismiss the Complaint, the Court in which the Matter shall be tried shall allow the Defendant Treble Costs, for the Recovery of which he shall have the like Remedy as in other Cases where Costs by the Laws of this Realm are given to Defendants.

Recovery of
Penalties.

3 G. 4. c. 23.

5 G. 4. c. 18.

LIX. And be it enacted, That all Offences for which any Penalties and Forfeitures are by this Act imposed, not exceeding Twenty Pounds, over and above any Forfeiture of Value and Treble Value, shall and may be determined, and such Penalties and Forfeitures and Forfeiture of Value and Treble Value shall and may be recovered, in any Part of the United Kingdom, before One or more Justices of the Peace, under the Provisions of an Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to facilitate summary Proceedings before Justices of the Peace and others*; and by another Act, passed in the Fifth Year of the Reign of His said late Majesty, intituled *An Act for the more effectual Recovery of Penalties before Justices and Magistrates on Conviction of Offenders, for facilitating the Execution of Warrants by Constables*: Provided always, that in all Cases in which there shall not be sufficient Goods whereon any Penalty or Forfeiture can be levied, the Offender may be committed and imprisoned for any Time not exceeding Six Months; which said recited Acts shall be used and applied in *Scotland* for the Recovery of all such Penalties and Forfeitures as fully to all Intents as if the said recited Acts had extended to *Scotland*, any thing in the said recited Acts to the contrary notwithstanding; and all such Offences committed in the *British Isles*, or in any of His Majesty's Dominions beyond the Seas, may be determined, and the Penalties and Forfeitures of Value or Treble Value recovered, before any Justices of the Peace or Persons exercising like Authority, according to the Laws of the Part of His Majesty's Dominions in which the Offence shall be committed; and all Penalties and Forfeitures by this Act imposed exceeding Twenty Pounds shall be recovered by Action in some of the Courts of Record at *Westminster*, or in *Dublin*, or in the Court of Session in *Scotland*, and in no other Court in the United Kingdom, and may be recovered in the *British Isles*, or in any other Parts of His Majesty's Dominions, in any of the Royal or Superior Courts of such Isles or other Parts of His Majesty's Dominions.

Appropriation
of Penalties.

LX. And be it enacted, That one Moiety of every such Penalty or Forfeiture, not including any Treble Value of any Articles, shall go to the Person who shall inform or sue for the same, and the other Moiety, or where the Offence shall be proved by the Person who shall inform, then the whole of the Penalty, shall be paid over and

applied

applied in such Manner as the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral shall direct; and every Justice who shall adjudge any Penalty under this Act shall, within Four Days thereafter at the furthest, report the same and his Adjudication thereof to the Secretary of the Admiralty.

LXI. And be it enacted, That all Clauses and Provisions in this Act contained relating to *England* shall be construed to extend to *Wales* and the Town of *Berwick-upon-Tweed*; and all Clauses and Provisions relating to Marines shall be construed to include Non-commissioned Officers and Drummers, unless when otherwise provided; and all Clauses and Provisions relating to Justices shall be construed to extend to all Magistrates authorized to act as such in their respective Jurisdictions; and all the Powers given to and Regulations made for the Conduct of Constables, and all Penalties and Forfeitures for any Neglect thereof, shall extend to all Tithingmen, Headboroughs, and such like Officers, and High Constables and other Chief Officers and Magistrates of Cities, Towns, Villages, and Places in *England* and *Ireland*, who shall act in the Execution of this Act; and all Provisions for billeting Marines in Victualling Houses shall extend and apply to all Inns, Livery Stables, Alehouses, and to the Houses of Sellers of Wine by Retail, whether *British* or Foreign, to be drank in their own Houses or Places thereunto belonging, and to all Houses of Persons selling Brandy, Strong Waters, Cider, or Metheglin, by Retail, in *England* and *Ireland*; and in *Ireland*, when there shall not be found sufficient Room in such Houses, then Marines may be billeted in such Manner as has been heretofore customary: Provided always, that no Officer or Marine shall be billeted in *England* in any private Houses, or in any Canteen held or occupied under the Authority of the Ordnance or Marine Department, or upon Persons who keep Taverns only being Vintners of the City of *London* admitted to their Freedom of that Company in Right of Patrimony or Apprenticeship, notwithstanding such Persons who keep such Taverns only have taken out Victualling Licences, nor in the House of any Distiller kept for distilling Brandy and Strong Waters, nor in the House of any Shopkeeper whose principal Dealing shall be more in other Goods and Merchandize than in Brandy and Strong Waters, so as such Distillers and Shopkeepers do not permit Tippling in such Houses, nor in the House of Residence in any Part of the United Kingdom of any Foreign Consul, duly credited as such.

Definition of Terms.

LXII. And be it enacted, That the Churchwardens of every Parish in *England*, and the Constable or other Officer of every Parish or Place in *Scotland*, on receiving a Notification from the Secretary of the Admiralty of the Name of any Marine belonging to the said Parish or Place who has for meritorious Conduct received His Majesty's special Approbation, or who in consequence of Misconduct has been dismissed His Majesty's Service with Disgrace, shall affix such Notification on the Outside of the Door of the Church or Chapel belonging to such Parish or Place on the *Sunday* next succeeding the Receipt of such Notification.

Notification to Parishes of good or bad Conduct of Marines.

LXIII. And it is hereby declared and enacted, That all His Majesty's Royal Marine Forces shall, during the Time they shall be respectively borne on the Books of any of His Majesty's Ships or Vessels in Commission, either as Part of the Complement or as

Marines to be subject to the Discipline of the Navy while on board Ship.

Super-

Supernumeraries, or otherwise, be subject and liable in every respect to the Laws for the Government of His Majesty's Forces by Sea, and to the Rules and Discipline of the Royal Navy, and shall and may be proceeded against and punished for Offences committed by them while so borne, in the same Manner as the Officers and Seamen employed in the Royal Navy may be tried or punished: Provided always, that if any Marine Officer or Marine so borne on the Books of any of His Majesty's Ships shall commit on Shore any Offence against due Order and Discipline, and for which he shall not be amenable to a Naval Court-martial or to Naval Discipline, he shall be tried and punished for the same in the same Manner as other Marines may be tried and punished for the like Offences under the Authority of this Act.

Duration of
Act.

LXIV. And be it enacted, That this Act shall continue in force within *Great Britain* from the Twenty-fifth Day of *April* One thousand eight hundred and thirty-three until the Twenty-fifth Day of *April* One thousand eight hundred and thirty-four inclusive; and within *Ireland*, and in *Jersey*, *Guernsey*, *Alderney*, *Sark*, and the *Isle of Man*, and the Islands thereto belonging, from the First Day of *May* One thousand eight hundred and thirty-three until the First Day of *May* One thousand eight hundred and thirty-four inclusive; and within the Garrison of *Gibraltar*, and in *Spain* and *Portugal*, from the Twenty-fifth Day of *July* One thousand eight hundred and thirty-three until the Twenty-fifth Day of *July* One thousand eight hundred and thirty-four inclusive; and in all other Parts of *Europe* where Royal Marine Forces may be serving, and the *West Indies* and *North America* and *Cape of Good Hope*, from the Twenty-fifth Day of *September* One thousand eight hundred and thirty-three to the Twenty-fifth Day of *September* One thousand eight hundred and thirty-four inclusive; and in all other Places from the Twenty-fifth Day of *November* One thousand eight hundred and thirty-three to the Twenty-fifth Day of *November* One thousand eight hundred and thirty-four inclusive.

Alteration of
Act.

LXV. And be it enacted, That this Act may be altered, varied, or repealed by any Act or Acts to be passed in this present Session of Parliament.

SCHEDULE to which this Act refers.

FORM of OATHS to be taken by MEMBERS of COURTS-MARTIAL.

YOU shall well and truly try and determine according to the Evidence in the Matter now before you. So help you GOD.

I do swear, That I will truly administer Justice, according to the Rules and Articles for the better Government of His Majesty's Royal Marine Forces, and according to an Act now in force for the Regulation of the said Forces while on Shore, without Partiality, Favour, or Affection, and if any Doubt shall arise which is not explained by the said Articles or Act, according to my Conscience, the best of my Understanding, and the Custom of War in the like Cases: And I further swear, That I will not divulge the Sentence of the Court until it shall be duly approved; neither will I, upon any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member

Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law. So help me GOD.

- FORM OF OATH of JUDGE ADVOCATE.

I do swear, That I will not, upon any Account whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law. So help me GOD.

QUESTIONS to be separately put by the JUSTICE to a RECRUIT.

1. What is your Name?
2. In what Parish, and in or near what Town, and in what County, were you born?
3. What is your Age?
4. What is your Trade or Calling?
5. Are you an Apprentice?
6. Are you married?
7. Are you ruptured or lame; have you ever been subject to Fits; or have you any Disability or Disorder which impedes the free Use of your Limbs, or unfits you for ordinary Labour?
8. Are you willing to be attested to serve in the Royal Marine Forces until you shall be legally discharged?
9. On what Day and by whom were you enlisted?
10. For what Bounty did you enlist?
11. Do you now belong to the Militia?
12. Do you belong to any Regiment, or to the Marines, Ordnance, or Navy?
13. Have you served in the Army, Marines, Ordnance, or Navy?

Note.—The Justice is directed, in putting the 11th Question to the Recruit, and before he receives his Answer, distinctly to apprise the Recruit that if he belongs to the Militia, and denies the Fact, he is liable to Six Months Imprisonment.

OATH to be taken by a RECRUIT enlisting.

I do make Oath, That the above Questions have been separately put to me, that the Answers thereto have been read over to me, and that they are the same that I gave, and are true.

I do also make Oath, That I will be faithful and bear true Allegiance to His Majesty, His Heirs and Successors; and that I will, as in Duty bound, honestly and faithfully defend His Majesty, His Heirs and Successors, in Person, Crown, and Dignity, against all Enemies; and will observe and obey all Orders of His Majesty, His Heirs and Successors, and of the Generals and Officers set over me. So help me GOD.

Witness my Hand

{ Signature of
the Recruit.

Witness present.

Sworn before me at this
Day of One thousand eight }
hundred and .
Signature of the Justice.

DESCRIPTION RETURN of committed to Confinement at _____ as a _____
Deserter from the Royal Marines. _____ Day of _____ on the _____

Age.	Size.		Complexion.	Colour of		Marks.	Probable Date of Enlistment, and in what District.	Probable Date of Desertion, and from whence.	Name, Occupation, and Address of the Person by whom apprehended.	Particulars of the Evidence upon which the Prisoner is committed.	Whether the Prisoner confessed before the Magistrates that he is a Deserter.
	Feet.	Inches.		Hair.	Eyes.						

I do hereby certify, that the Prisoner has been duly examined before me as to the Circumstances herein stated, and has declared in my Presence that the * _____ a Deserter from the before-mentioned Corps.

* I certify, that I have inspected the Prisoner, and consider him fit for active Service.

Signature of Surgeon.

Signature and Address of Magistrate.

Signature of Prisoner.

Signature of Informer.

* If a Military Medical Officer be at or near the Place, he will inspect the Deserter, and report as to his Fitness for Military Service.

* Insert "is" or "is not," as the Case may be.

CAP. VII.

An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and for extending the Time limited for those Purposes respectively until the Twenty-fifth Day of *March* One thousand eight hundred and thirty-four ; to permit such Persons in *Great Britain* as have omitted to make and file Affidavits of the Execution of Indentures of Clerks to Attornies and Solicitors to make and file the same on or before the First Day of *Hilary* Term One thousand eight hundred and thirty-four, and to allow Persons to make and file such Affidavits, although the Persons whom they served shall have neglected to take out their Annual Certificates. [6th May 1833.]

‘ WHEREAS divers Persons, who, on account of their Offices,
 ‘ Places, Employments, or Professions, or any other Cause
 ‘ or Occasion, ought to have taken and subscribed the Oaths or
 ‘ Assurance respectively appointed to be by such Persons taken and
 ‘ subscribed in and by an Act made in the First Year of the Reign
 ‘ of His late Majesty King George the First, of glorious Memory,
 1 G. 1. st. 2. c. 13. ‘ intituled *An Act for the further Security of His Majesty’s Person*
 ‘ and Government, and the Succession of the Crown in the Heirs of
 ‘ the late Princess Sophia, being Protestants ; and for extinguishing
 ‘ the Hopes of the pretended Prince of Wales, and his open and
 ‘ secret Abettors ; or to have qualified themselves according to an
 ‘ Act made in the Thirteenth Year of the Reign of King Charles
 13 C. 2. st. 2. c. 1. ‘ the Second, intituled *An Act for the well-governing and regulating*
 ‘ of Corporations ; or to have qualified themselves according to
 ‘ another Act made in the Twenty-fifth Year of the Reign of King
 25 C. 2. st. 2. c. 2. ‘ Charles the Second, intituled *An Act for preventing the Dangers*
 ‘ which may happen from Popish Recusants ; or according to another
 ‘ Act made in the Thirtieth Year of the Reign of King Charles
 30 C. 2. st. 2. ‘ the Second, intituled *An Act for the more effectual preserving*
 ‘ the King’s Person and Government, by disabling Papists from
 ‘ sitting in either House of Parliament ; or according to another
 ‘ Act made in the Eighth Year of the Reign of His late Majesty
 8 G. 1. c. 6. ‘ King George the First, intituled *An Act for granting the People*
 ‘ called Quakers such Forms of Affirmation or Declaration as may
 ‘ remove the Difficulties which many of them lie under ; or according
 ‘ to another Act made in the Ninth Year of the Reign of His late
 9 G. 2. c. 26. ‘ Majesty King George the Second, intituled *An Act for indemnifying*
 ‘ Persons who have omitted to qualify themselves for Offices within
 ‘ the Time limited by Law, and for allowing further Time for that
 ‘ Purpose ; and for amending so much of an Act passed in the Second
 ‘ Year of the Reign of His present Majesty as requires Persons to
 ‘ qualify themselves for Offices before the End of the next Term or
 ‘ Quarter Sessions, and also for enlarging the Time limited by Law
 ‘ for making and subscribing the Declaration against Transubstan-
 ‘ tiation ; and for allowing a further Time for Enrolment of Deeds
 ‘ and Wills made by Papists ; and for Relief of Protestant Pur-
 ‘ chasers, Devisees, and Lessees ; or according to another Act made
 ‘ in

' in the Eighteenth Year of the Reign of His late Majesty King
 ' George the Second, intituled *An Act to amend and render more* 18 G. 2. c. 20.
 ' *effectual an Act passed in the Fifth Year of His present Majesty's*
 ' *Reign, intituled "An Act for the further Qualification of Justices*
 ' *of the Peace ;"* or according to another Act made in the Sixth
 ' Year of the Reign of His late Majesty King George the Third,
 ' intituled *An Act for altering the Oath of Abjuration, and the* 6 G. 3. c. 53.
 ' *Assurance ; and for amending so much of an Act made in the*
 ' *Seventh Year of the Reign of Her late Majesty Queen Anne,*
 ' *intituled "An Act for the Improvement of the Union of the Two*
 ' *Kingdoms," as after the Time therein limited requires the Delivery*
 ' *of certain Lists and Copies therein mentioned to Persons indicted*
 ' *of High Treason or Misprision of Treason ;* or according to another
 ' Act passed in the Ninth Year of the Reign of His late Majesty
 ' King George the Fourth, intituled *An Act for repealing so much* 9 G. 4. c. 17.
 ' *of several Acts as imposes the Necessity of receiving the Sacrament*
 ' *of the Lord's Supper as a Qualification for certain Offices and*
 ' *Employments ;* or according to another Act passed in the Tenth
 ' Year of the Reign of His said late Majesty, intituled *An Act for* 10 G. 4. c. 7.
 ' *the Relief of His Majesty's Roman Catholic Subjects,* so far only
 ' as the said Act relates to any Civil or Military Offices or Places of
 ' Trust, or Places of Profit or Corporate Offices ; have, through
 ' Ignorance of the Law, Absence, or some unavoidable Accident,
 ' omitted to take and subscribe the Oaths and Assurance and make
 ' and subscribe the Declaration required by the said recited Acts or
 ' either of them, or otherwise to qualify themselves as aforesaid,
 ' within such Time and in such Manner as in and by the said Acts
 ' respectively is required, whereby they have incurred, or may be
 ' in danger of incurring, divers Penalties and Disabilities : For
 quieting the Minds of His Majesty's Subjects, and for preventing
 any Inconvenience that might otherwise happen by means of such
 Omissions, be it enacted by the King's most Excellent Majesty,
 by and with the Advice and Consent of the Lords Spiritual and
 Temporal, and Commons, in this present Parliament assembled,
 and by the Authority of the same, That all and every Person or
 Persons who, at or before the passing of this Act, hath or shall have
 omitted to take and subscribe the Oaths and Declarations, or
 otherwise to qualify him, her, or themselves, within such Time and
 in such Manner as in and by the said Acts, or any of them, is
 required ; and who, after accepting any such Office, Place, or
 Employment, or undertaking any Profession or Thing on account
 of which such Qualification ought to have been had and is required,
 before the passing of this Act hath or have taken and subscribed
 the said Oaths, or made the Declarations required by Law, or who,
 on or before the Twenty-fifth Day of *March* One thousand eight-
 hundred and thirty-four, shall take and subscribe the Oaths, Decla-
 rations, and Assurance respectively, in such Cases wherein by the
 said several Acts or any or either of them the said Oaths, Declara-
 tions, and Assurance ought to have been taken and subscribed, in
 such Manner and Form, and at or in such Place or Places, as are
 appointed in and by the said several Acts or any or either of them,
 shall be and are hereby indemnified, freed, and discharged from and
 against all Penalties, Forfeitures, Incapacities, and Disabilities
 incurred or to be incurred for or by reason of any Neglect or
 Omission,

Persons who
 have omitted to
 qualify them-
 selves as re-
 quired by the
 recited Acts in-
 demnified and
 allowed further
 Time.

Omission, previous to the passing of this Act, of taking or subscribing the said Oaths or Assurance, or making or subscribing the said Declarations respectively, or taking or subscribing the said Oath, according to the above-mentioned Acts or any of them, or any other Act or Acts; and such Person or Persons is and are and shall be fully and actually recapacitated and restored to the same State and Condition as he, she, or they were in before such Neglect or Omission, and shall be and be deemed and adjudged to have duly qualified him, her, or themselves according to the above-mentioned Acts and every of them; and that all Elections of, and Acts done or to be done by any such Person or Persons, or by Authority derived from him, her, or them, are and shall be of the same Force and Validity as the same or any of them would have been if such Person or Persons respectively had taken the said Oaths or Assurance, and made and subscribed the said Declarations respectively, and taken and subscribed the said Oath, according to the Directions of the said Acts and every or any of them; and that the Qualification of such Person or Persons qualifying themselves in manner and within the Time appointed by this Act shall be to all Intents and Purposes as effectual as if such Person or Persons had respectively taken the said Oaths and Assurance, and made and subscribed the said Declarations respectively, and taken and subscribed the said Oath, within the Time and in the Manner appointed by the several Acts before mentioned.

Indemnity to those who have omitted to make and subscribe the Oaths, &c. required by the Irish Act of 2 Anne.

II. 'And whereas several Persons well affected to His Majesty's Government, and to the United Church of *England* and *Ireland*, have, through Ignorance of the Law, neglected, or been, by Sickness or other unavoidable Causes, prevented from taking and subscribing the Declaration according to the Directions of an Act passed in the Parliament of *Ireland* in the Second Year of the Reign of Her late Majesty Queen *Anne*, intituled *An Act to prevent the further Growth of Popery*;' be it therefore further enacted, That all Persons who have incurred any Penalty or Incapacity in the said recited Act mentioned, by neglecting to qualify themselves according to the said Act, shall be and are hereby indemnified, freed, and discharged from all Incapacities, Disabilities, Penalties, and Forfeitures incurred by reason of such Omission or Neglect as aforesaid; and that no Act done by any of them, not yet avoided, shall be questioned or avoided by reason of such Omission or Neglect, but that all such Acts shall be and are hereby declared to be as good and effectual as if such Persons respectively had taken and subscribed the said Oath, and made and repeated and described the said Declaration, at such Time and Place and Manner as in the said Act is mentioned; any thing in the said Act to the contrary notwithstanding: Provided always, that such Person or Persons do and shall take and subscribe the said Oaths, and make, repeat, and subscribe the said Declaration, in such Manner and Form, and in such Place or Places respectively, as are directed and appointed by the said last-recited Act, on or before the Twenty-fifth Day of *March* One thousand eight hundred and thirty-four.

III. Provided always, and be it further enacted, That this Act, or any thing herein contained, shall not extend or be construed to extend to indemnify any Person against whom final Judgment shall have

Not to indemnify Persons against whom final Judgment is given.

have been given in any Action of Debt, Bill, Complaint, or Information, in any of His Majesty's Courts of Record, for any Penalty incurred by having neglected to qualify himself within the Time limited by Law.

IV. Provided always, and be it further enacted, That nothing contained in this Act shall extend or be construed to extend to exempt any Justice of the Peace within *Great Britain* from the Penalties to which he is subject for acting as such without being possessed of the Qualification required by the Laws now in force.

Not to exempt
Justices acting
without legal
Qualification.

V. And whereas the Appointment of divers Clerks of the Peace, Town Clerks, and other Public Officers, and the Admission of divers Members and Officers of Cities, Corporations, and Borough Towns in *Great Britain* and *Ireland*, or the Entries of such Admissions in the Court Books, Rolls, or Records of such Cities, Corporations, and Borough Towns, which by several Acts are directed and required to be stamped, may not have been provided or the same not stamped, or may have been lost or mislaid; be it further enacted, That for the Relief of such Persons whose Appointments and Admissions, or the Entries of whose Admissions as aforesaid, may not have been provided, or not duly stamped, or where the same have been lost or mislaid, it shall and may be lawful to and for such Persons in *Great Britain* or *Ireland*, on or before the Twenty-fifth Day of *March* One thousand eight hundred and thirty-four, to provide or cause to be provided Appointments and Admissions, or Entries of Admissions as aforesaid, duly stamped; or in case where such Appointments, Admissions, or Entries of Admissions as aforesaid have been made or provided, but have not been duly stamped, to produce such Appointments, Admissions, or Entries of Admissions as aforesaid, to the Commissioners appointed to inspect and manage the Revenues of the Stamp Duties, to be duly stamped; which such Commissioners are hereby authorized and empowered and required to duly stamp, on Payment of Double the Amount of the Duties first payable or to have been paid on such Appointments, Admissions, or Entries as aforesaid, without any other Fine or Forfeiture thereon; and in order to denote the said Duties the said Commissioners are hereby authorized and empowered to use such Stamps as shall have been heretofore provided to denote any former Duties on Stamped Vellum, Parchment, and Paper, or to cause new Stamps to be provided for that Purpose, and to do all other Things necessary for putting this Act in execution, in the like and in as full and ample Manner as they or the major Part of them are authorized to put in execution any former Law concerning Stamped Vellum, Parchment, and Paper; and such Persons so providing Appointments, Admissions, or Entries of Admissions as aforesaid, duly stamped, or procuring the same to be duly stamped in manner aforesaid, are and shall be hereby confirmed and qualified to act as Clerk of the Peace, Town Clerk, or other Public Officer, or Member or Members, Officer or Officers of such Cities, Corporations, and Borough Towns respectively, to all Intents and Purposes, and shall and may hold and enjoy and execute such Offices, or any other Office or Offices into which he or they hath or have been elected, notwithstanding his or their Omission, or the Omission of any of their Predecessors, in such Cities, Corporations, or Borough Towns as aforesaid, and shall be indemnified and dis-

Admissions to
Corporations
may be stamped
after Time
allowed by Law.

charged of and from all Incapacities, Disabilities, Forfeitures Penalties, and Damages by reason of any such Omission ; and none of his or their Acts shall be questioned or avoided by reason of the same.

Indemnity to Persons who have paid the Duties on Indentures to serve as Clerks to Attornies, &c., but have neglected to cause Affidavits thereof to be made.

VI. ' And whereas many Persons who may have paid the proper Stamp Duties, either before or within Six Months after the Execution of the Contracts in Writing entered into by them to serve as Clerks to Attornies or Solicitors, Scriveners, or Notaries Public in *Great Britain*, have omitted to cause Affidavits to be made, and afterward to be filed in the proper Office, of the actual Execution of such Contracts, and have also omitted to cause such Contracts and the Indentures thereof to be enrolled within the Time in which the same ought to have been done ; and many Solicitors, Attornies, Notaries Public, and others, have omitted to take out Annual Certificates, or to enter the same in the proper Office, and many Infants and others may thereby incur certain Disabilities : ' For preventing thereof, and relieving such Persons, be it enacted, That every Person who shall, either before or within Six Months after the Execution of such Contract or Indenture, have paid the proper Stamp Duty in that Behalf, and who at the passing of this Act shall have neglected or omitted to cause any such Affidavit or Affidavits as aforesaid to be made and filed, or such Contract or Indenture to be enrolled, and who, on or before the First Day of *Hilary* Term One thousand eight hundred and thirty-four, shall cause such Contract or Indenture to be enrolled with the proper Officer in that Behalf, and One or more Affidavit or Affidavits to be made, and afterwards to be filed in such Manner as the same ought to have been made and filed, in due Time, shall be and is hereby indemnified, freed, and discharged from and against all Penalties, Forfeitures, Incapacities, and Disabilities in or by any Act or Acts of Parliament mentioned, and incurred or to be incurred for or by reason of such Neglect or Omission ; and every such Affidavit and Affidavits so to be made, and which shall be duly filed on or before the First Day of *Hilary* Term One thousand eight hundred and thirty-four, shall be as effectual to all Intents and Purposes as if the same had been made and filed within the respective Times the same ought, by the Laws now in being for that Purpose, to have been made and filed ; and that the respective Officer or Officers who ought to receive, file, enter, or register such Contract or Indenture, or Affidavit or Affidavits, shall not refuse to receive, file, enter, or register the same, by reason that the Attorney, Solicitor, or Notary Public, to whom such Infant or other Person shall have been articulated or have contracted to serve, shall have neglected to take out his Annual Certificate, or to register the same, but such Officer or Officers are hereby directed and empowered to receive, file, enter, or register the same, notwithstanding such Omission ; and that every Person who shall have regularly served any Attorney or Attornies, Solicitor or Solicitors, Notary Public or Notaries Public, for the Term of Years required by Law, shall not be prevented or disqualified from being admitted an Attorney, Solicitor, or Notary Public, by reason of any Omission of the Person or Persons to whom he served for the same Term, or for any Part thereof, having so neglected to take out his Annual Certificate or to register the same ; provided that such Person is otherwise

Neglect of Attornies, &c. in taking out their Annual Certificates not to disqualify the Persons who have served them.

otherwise entitled to be created and admitted to such Office by the Laws now in force relating thereto.

VII. Provided always, and be it further enacted, That this Act or any thing herein contained shall not extend or be construed to extend to restore or entitle any Person or Persons to any Office or Employment, Benefice, Matter, or Thing whatsoever, already actually avoided by Judgment of any of His Majesty's Courts of Record, already legally filled up and enjoyed by any other Person; but that such Office or Employment, Benefice, Matter, or Thing so avoided, or legally filled up and enjoyed, shall be and remain in and to the Person or Persons who is or are now or shall at the passing of this Act be legally entitled to the same, as if this Act had never been made.

Not to restore
Persons to any
Office avoided
by Judgment.

VIII. And be it further enacted, That in case any Action, Suit, Bill of Indictment, or Information shall from and after the passing of this Act be brought, carried on, or prosecuted against any Person or Persons hereby meant or intended to be indemnified, recapacitated, or restored, for or on account of any Forfeiture, Penalty, Incapacity, or Disability whatsoever, incurred or to be incurred by any such Neglect or Omission, such Person or Persons may plead the General Issue, and upon their Defence give this Act and the special Matter in Evidence upon any Trial to be had thereupon.

General Issue.

CAP. VIII.

An Act to amend an Act for the Conveyance of certain Premises situate between *London Bridge* and the Tower of *London*.
[6th May 1833.]

‘ **W**HEREAS by an Act passed in the Second and Third Years
‘ of the Reign of His present Majesty, intituled *An Act to*
‘ *provide for the Conveyance of Premises, the Property of the Crown,*
‘ *situate between the Tower of London and London Bridge,* it is
‘ enacted, that from and after the passing of that Act, if any Person
‘ or Persons should contract and agree, or if any Person or Persons
‘ should have contracted and agreed, for the Purchase, Sale, or
‘ Disposal of any of the Quays, Warehouses, Buildings, and other
‘ Hereditaments mentioned in the said Act, or any Part thereof, it
‘ should and might be lawful to and for the Lord High Treasurer
‘ or Lords Commissioners of His Majesty's Treasury for the Time
‘ being, who, for the Purposes of the said Act, were thereby deemed
‘ to be a Corporate Body, or any Three or more of them, by In-
‘ denture or Indentures under their Hands and Seals, to convey
‘ and assure any or all of the said Quays, Warehouses, Buildings,
‘ and other Hereditaments, or any Part thereof, situate as aforesaid,
‘ to any Person or Persons who might agree or should have agreed
‘ to and for the Purchase, Sale, and Disposal thereof, and that such
‘ Conveyance and Assurance should be a sufficient Title to the
‘ same Premises, and by force of that Act should effectually vest in
‘ the Purchaser or Purchasers thereof, his, her, or their Heirs and
‘ Assigns, or the Person or Persons to whom he, she, or they should
‘ direct the same to be conveyed and assured, the Fee Simple and
‘ Inheritance of and in such Quays, Warehouses, Buildings, and
‘ other Hereditaments, or any Part thereof, as in such Indenture or
‘ Indentures should or might be mentioned and expressed, free and
‘ clear

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‘ clear of and from all Estates, Rights, Charges, and Incumbrances
 ‘ whatsoever, save and except such Rights, Charges, Estates, and
 ‘ Incumbrances as the said Lord High Treasurer or Lords Com-
 ‘ missioners of His Majesty’s Treasury, or such as the Purchaser or
 ‘ Purchasers, his, her, or their Heirs and Assigns, should have
 ‘ Notice of before such Conveyance and Assurance should be comm-
 ‘ pleted : And whereas since the passing of the said Act it has been
 ‘ discovered that certain outstanding Terms and other Incum-
 ‘ brances affecting the said Quays, Warehouses, Buildings, and
 ‘ other Hereditaments, or some Part or Parts thereof, have not been
 ‘ surrendered or extinguished, and that certain Parts or Shares of
 ‘ the said Quays, Warehouses, Buildings, and other Hereditaments,
 ‘ or some or one of them, have not been legally conveyed to His
 ‘ Majesty, or the Lord High Treasurer, or the Commissioners for
 ‘ executing the Office of Lord High Treasurer, and it is possible
 ‘ that there may be other Rights, Charges, Estates, and Incum-
 ‘ brances of which the said Lord High Treasurer or Commissioners
 ‘ of His Majesty’s Treasury may legally be deemed to have Notice :
 ‘ And whereas the Values of all such Quays, Warehouses, Build-
 ‘ ings, and other Hereditaments, and Parts and Shares thereof,
 ‘ were assessed by several Juries impannelled for that Purpose, and
 ‘ the Lords Commissioners of His Majesty’s Treasury have since
 ‘ been in the Possession or in the Receipt of the Rents and Profits
 ‘ thereof : And whereas certain Quays and Hereditaments com-
 ‘ monly called or known by the Names of *Brewer’s* and *Chester’s*
 ‘ *Quays*, *Galley Quay*, *Custom House* and *Wool Quays*, *Botolph*
 ‘ *Wharf*, and *Cox and Hammond’s Quays*, being some of the said
 ‘ Quays, Warehouses, Buildings, and other Hereditaments situate
 ‘ as aforesaid, have been put up to Sale by public Auction, and in
 ‘ consequence of the Discovery of such Terms and Incumbrances,
 ‘ and of the Want of such Conveyances as aforesaid, it is doubtful
 ‘ whether all of such Quays and other Hereditaments as have been
 ‘ sold or agreed to be sold, or may hereafter be sold or agreed to be
 ‘ sold, can, under or by virtue of the said last-mentioned Act, be
 ‘ duly conveyed to the respective Purchaser or Purchasers thereof
 ‘ without the further Aid and Authority of Parliament :’ For
 Remedy whereof be it enacted by the King’s most Excellent Ma-
 jesty, by and with the Advice and Consent of the Lords Spiritual
 and Temporal, and Commons, in this present Parliament assembled,
 and by the Authority of the same, That it shall and may be lawful
 for the Lord High Treasurer or the Commissioners for executing
 the Office of Lord High Treasurer for the Time being, who for
 the Purposes of this Act shall be deemed to be a Body Corporate,
 or any Three or more of them, by Indenture or Indentures under
 their Hands and Seals, to convey and assure all or any of such
 Quays, Warehouses, Buildings, and other Hereditaments, or such
 of them or such Part or Share or Parts or Shares thereof as may
 have been or hereafter may be agreed to be sold, to any Person or
 Persons who have contracted or hereafter may contract for the
 Purchase or Disposal thereof, either by public Auction or private
 Contract, or in such Manner as such Purchaser or Purchasers
 respectively shall direct; and that every such Conveyance and
 Assurance under the said recited Act or this Act shall be a suffi-
 cient Title to the Premises thereby respectively conveyed and as-
 sured,

Conveyances
 of Quays, &c.
 by Lord High
 Treasurer
 under recited
 Act or this
 Act to vest
 the Property
 in the Pur-
 chasers free
 from prior
 Titles, &c.

sured, and by force of this Act shall effectually vest in the respective Purchaser or Purchasers thereof, or in the Person or Persons to whom he, she, or they respectively shall direct the same respectively to be conveyed and assured, the Fee Simple and Inheritance of and in the Quays, Warehouses, Buildings, and Hereditaments, or Part or Parts, Share or Shares thereof thereby respectively conveyed and assured, as in such Indenture or Indentures shall or may be mentioned or expressed, free and clear of and from all and all Manner of prior and other Titles, Charges, Estates, Rights, and Incumbrances whatsoever, except only such Leases of or Agreements for the Occupancy of the said Quays, Warehouses, Buildings, and Hereditaments, or any of them, or any Part or Parts, Share or Shares thereof, as may have been granted by or entered into with any of the Commissioners of His Majesty's Customs or their Secretary for the Time being, and that such Leases and Agreements shall continue and subsist in the same Manner as if this Act had not been passed.

II. And be it further enacted, That if there be any Charge or Incumbrance, or Sum of Money payable for the Purchase of or by way of Compensation for any of the said Quays or Hereditaments, or any Part or Parts, Share or Shares thereof, or for any Damages sustained in respect of the same respectively, which at the Time of the passing of this Act was charged upon or payable in respect of the same Quays and Hereditaments, or Part or Parts, Share or Shares thereof, then and in every such Case such Charge, Incumbrance, or Sum of Money respectively shall, from and after the passing of this Act, be charged upon and payable out of the Consolidated Duties of Customs, and shall be paid accordingly by or by the Order of the Commissioners of that Revenue for the Time being.

Incumbrances,
&c. to be payable out of the Consolidated Duties of Customs.

CAP. IX.

An Act for incorporating the Members of a Society, commonly called "The Seaman's Hospital Society," and their Successors, as therein is mentioned and provided; and for the better enabling and empowering them to carry on the charitable and useful Designs of the same Society. [6th May 1833.]

WHEREAS in the Month of *March* One thousand eight hundred and twenty-one a Society was instituted for the charitable Relief of sick and distressed Seamen of all Nations in the Port of *London* (who at that Time were very numerous in the *Metropolis*), and for the providing them with Medical and Surgical Aid. Lodging, Support, and Clothing, until Convalescence, and until Employment could be again found for them in their meritorious Calling; which Society has been from Time to Time supported by Donations and annual Subscriptions and Legacies of considerable Amount, and by the Loan of an Hospital Ship by His Majesty's Government; and the said Society have been the Means of relieving upwards of Twenty-three thousand sick and distressed Persons, and of either obtaining them Employ or of restoring them to their Friends, many of whom might otherwise have perished; and the said Society are desirous of still further
pro-

Society in-
corporated.

‘ prosecuting their said charitable Designs, which are highly bene-
 ‘ ficial to the Nation, and are desirous of building an Hospital on
 ‘ Shore ; and it is apprehended that the incorporating of the said
 ‘ Society, and the giving them the Powers and Authorities herein-
 ‘ after conferred, may greatly facilitate the Prosecution of the afore-
 ‘ said charitable Designs, and may induce many charitable and
 ‘ well-disposed Persons materially to increase the Funds of the said
 ‘ Society :’ May it therefore please Your Majesty that it may be
 enacted ; and be it enacted by the King’s most Excellent Majesty,
 by and with the Advice and Consent of the Lords Spiritual and
 Temporal, and Commons, in this present Parliament assembled,
 and by the Authority of the same, That His Royal Highness
Augustus Frederick Duke of Sussex, the Right Honourable *Robert*
Lord Viscount Melville, the Right Reverend *George Henry Law*,
 Doctor in Divinity, Lord Bishop of *Bath and Wells*, his Grace *John*
Duke of Bedford, the Most Noble *George Marquis of Cholmondeley*,
 the Right Honourable *George John Earl Spencer* Knight of the
 Garter, the Right Honourable *Henry Earl Bathurst* Knight of the
 Garter, the Right Honourable *George Earl of Aberdeen*, the Right
 Honourable *Philip Earl of Hardwicke* Knight of the Garter, the
 Right Honourable *Richard Earl Howe*, the Right Honourable
Edward Lord Ellenborough, the Right Honourable *George Lord*
Calthorpe, the Right Honourable *James Lord Gambier*, the Right
 Honourable *James Lord De Saumarez*, *Alexander Baring* Esquire,
John William Buckle Esquire, Sir *John William Lubbock* Baronet,
William Manning, *William Taylor Money*, *Thomas Wilson*, *William*
Williams, *William Wilberforce*, and *John Woolmore*, Esquires,
William Bowles Esquire, a Captain in the Royal Navy, *Richard*
Alsager, *David Gale Arnot*, *John Strettell Brickwood*, *William*
Borradaile, *John Brown*, *William Stanley Clarke*, *John Cotton*,
Thomas Edgar, and *Charles Francis*, Esquires, the Honourable
William Fraser, *Alexander Sinclair Gordon*, *Robert Grant*, and
Robert Alexander Gray, Esquires, Sir *Francis Molyneux Ommanney*,
Abel Peyton Phelps, *Alexander Raphael*, *Philip Ripley*, *James Shuter*,
Thomas Snodgrass, *James Soper*, *Henry Sturrock*, and *John Wild*,
 Esquires, *William Young* Esquire, a Captain in the Royal Navy,
John Labouchere, *Simon Cock*, and *John Deacon*, Esquires, shall and
 they are hereby declared to be Governors, and that they and all and
 every Person and Persons who at the Time of passing this Act shall
 be reputed Governors for Life of the Society commonly called or
 known by the Name of “The Seamen’s Hospital Society,” and such
 others as at the Time of passing this Act shall be reputed Annual
 Governors of the said Seamen’s Hospital Society, for so long and
 during such Time as they shall continue to pay an annual Sum of
 One Pound and One Shilling, or upwards, towards the charitable
 Purposes thereof, and likewise all such others as shall at any Time
 or Times hereafter pay any such annual Sum towards the Purposes
 aforesaid for so long and during such Time as they shall continue
 to pay the same, and also all such others as shall pay for the Pur-
 poses aforesaid the Sum of Ten Pounds and Ten Shillings, or
 upwards, in one entire Payment or in different Payments, to be
 made within the Space of any Twelve Calendar Months, and also
 all such others as shall be elected in manner herein-after mentioned,
 shall be and they are hereby declared and adjudged to be One Body

Cor-

Corporate and Politic, in Deed, Name, and in Law, by the Name of "The Seamen's Hospital Society," and that by the same Name they shall have perpetual Succession, and shall and may have and use a Common Seal for the Business and Affairs of the said Society, with Power to change, alter, break, and make new the same when and as often as they shall judge the same to be expedient; and that they and their Successors by the same Name may sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended, in all or any Court or Courts of Record and Places of Judicature, and before any Judges, Justices, or Officers within this Kingdom, in all and singular Actions, Pleas, Suits, Complaints, Matters, and Demands, of what Kind or Quality soever they shall be, and may act and do in all Matters and Things relating to themselves and their Corporate Property, Real and Personal, in as ample Manner and Form and as fully and effectually as any Subjects of the Realm lawfully may or can; and that they and their Successors, by the Name aforesaid, shall be able and capable in Law to have, hold, receive, enjoy, possess, and retain, for the Ends and Purposes of this Act, all such Ships, Goods, Chattels, and Effects, Sum and Sums of Money, as have been given, devised, or bequeathed, or have been by them purchased or accumulated, or which shall at any Time or Times hereafter be paid, given, devised, or be bequeathed by any charitable or well-disposed Person or Persons, or which shall be purchased or accumulated by the said Society, of what Nature or Value soever, to and for the charitable Ends and Purposes of the said Society; and that they and their Successors, by the Name aforesaid, shall and may for ever hereafter be Persons able and capable in the Law, and may have Power, notwithstanding the Statutes of Mortmain, to purchase, have, take, hold, receive, and enjoy, to them and their Successors, Manors, Messuages, Lands, Rents, Tenements, Annuities, and Hereditaments, of what Nature or Kind soever, in Fee and in Perpetuity, or for Terms of Lives or Years, not exceeding the yearly Value of Twelve thousand Pounds in all Issues beyond Reprises, for the better carrying on the charitable Ends and Designs of the said Society, and to enable them to build an Hospital on Shore, with proper Offices, and for the Investment of the Capital and Funds for the Time being of the said Society, and also to sell, grant, demise, exchange, and dispose of any of the same Manors, Messuages, Lands, Rents, Tenements, and Hereditaments whereof or wherein they shall have any Estate or Interest as aforesaid.

II. And be it further enacted, That it shall and may be lawful to and for any Person or Persons, Bodies Politic or Corporate, their Heirs and Successors, respectively to give, grant, sell, alien, assign, devise, bequeath, or dispose of, in Mortmain, in Perpetuity or otherwise, to or to the Use and Benefit of or in Trust for the said Society and their Successors, any Manors, Messuages, Lands, Tenements, Rents, Annuities, and Hereditaments whatsoever, not exceeding the yearly Value of Twelve thousand Pounds above all Charges and Reprises, and any Sum or Sums of Money to any Amount, and any Ships, Goods, or Chattels of whatever Value, for the charitable Purposes of the said Society; all which Gifts, Grants, Conveyances, Assignments, Bequests, and Dispositions the said Society

Name of the Society.

To have perpetual Succession, and Common Seal, &c.

May sue and be sued.

Enabled to possess Property and receive Bequests.

Power to purchase Lands to the Value of 12,000*l.* per Annum.

Any Persons may sell, give, devise, or bequeath Property to the Society.

Society are hereby authorized and enabled to receive, accept, and hold.

Society to have
One President,
Two or more
Vice-Presi-
dents, and One
Treasurer.

III. And be it further enacted, That for the better Execution of the charitable Designs of the said Society, the Preservation and Disposal of their Property, and the more regular Government of the said Corporation, the said Corporation and their Successors shall for ever have One President, Two or more Vice-Presidents, and One Treasurer; but no Gift, Conveyance, or Bequest to the said Society shall be rendered void or invalid by reason of the Vacancy of any of the said Offices at the Time of giving, making, or perfecting the same.

President.

Vice-Presi-
dents.

IV. And be it further enacted, That the said Lord Viscount *Melville* shall be and he is hereby appointed President of the said Corporation; and that the said Doctor *George Henry Law* Lord Bishop of *Bath and Wells*, the said Duke of *Bedford*, the said Marquis of *Cholmondeley*, the said Earls *Spencer*, *Bathurst*, *Aberdeen*, *Hardwicke*, and *Howe*, the said Lords *Ellenborough*, *Calthorpe*, *Gambier*, and *De Saumarez*, and the said *Alexander Baring*, *John William Buckle*, *Sir John William Lubbock*, *William Manning*, *William Taylor Money*, *Thomas Wilson*, *William Williams*, *William Wilberforce*, and *John Woolmore* shall be and they are hereby appointed Vice-Presidents; and that the said *John Labouchere* shall be and he is hereby appointed Treasurer of the said Corporation; and that the said *William Bowles*, *Richard Alsager*, *David Gale Arnott*, *John Strettell Brickwood*, *William Borradaile*, *John Brown*, *William Stanley Clarke*, *John Cotton*, *Thomas Edgar*, *Charles Francis*, the Honourable *William Fraser*, *Alexander Sinclair Gordon*, *Robert Grant*, *Robert Alexander Gray*, *Sir Francis Molyneux Ommanney*, *Abel Peyton Phelps*, *Alexander Raphael*, *Philip Ripley*, *James Shuter*, *Thomas Snodgrass*, *James Soper*, *Henry Sturrock*, *John Wild*, *William Young*, *Simon Cock*, and *John Deacon* shall be and they are hereby appointed a Committee for transacting and managing the Affairs of the said Corporation; and *James Whitley Deans Dundas*, a Captain in the Royal Navy, *Charles Larkin Francis*, *John Locke*, and *George Francis Travers*, Esquires, shall be and they are hereby appointed Auditors of the Accounts of the said Corporation; and that the said President, Vice-Presidents, Treasurer, Committee, and Auditors shall continue to perform the Duties of their respective Offices until other fit Persons be duly chosen in their respective Rooms in manner herein-after mentioned; and that the President for the Time being, or in his Absence One or more of the Vice-Presidents, or the Treasurer for the Time being, with any Fourteen or more of the other Members of the said Corporation, or in the Absence of the President and of all the Vice-Presidents and Treasurer, any Fifteen or more of the other Members of the said Corporation, shall compose a General Court; and the first General Court shall be held on the Second *Friday* in *July* now next ensuing, either at the Office of the said Society, Number Nineteen, *Bishopsgate Street* in the City of *London*, or at such other Place in the City of *London* as any Three or more of the Committee present at any Weekly Meeting of the Committee shall, by Fourteen Days Notice at least, to be given in any Two or more Daily *London* Newspapers, appoint; and such General Court shall then and from Time to Time be adjourned to such Times and Places as the Court shall think

Treasurer.

Committee-
men.

Auditors.

The said
President,
Vice-Presi-
dents, &c.
to continue
their Duties
till others
chosen.

Fifteen or more
Governors to
compose a
General Court.

necessary for the due Execution of this Act, of which Time and Place (in case the Adjournment shall be otherwise than *sine Die*) Notice shall be given of at least Fourteen Days in Two or more of the *London Daily Papers*; and a General Court of the Members of the said Corporation shall be held Four Times at the least in every Year, (that is to say,) on the Second *Friday* in *January*, on the Second *Friday* in *April*, on the Second *Friday* in *July*, and on the Second *Friday* in *October*, of which Notice shall be in like Manner given; and an Annual General Court shall be held on the First *Wednesday* in *February* which will come and be in the Year One thousand eight hundred and thirty-four, and on every succeeding First *Wednesday* in every *February* in every Year for ever, unless such annual Day shall be changed by any Bye Law to be made in pursuance of the Powers after contained, and a like Notice of Fourteen Days as aforesaid, both of the Time and Place of holding every such Quarterly and Annual Court, shall be given; and at every such Annual General Court the President, Vice-Presidents, a Treasurer, Four Auditors, and a Committee (such Committee to consist of such Number of the Members of the said Corporation as such General Court shall think necessary) shall be elected for the ensuing Year; and the Members of the said Corporation assembled at any such General Court as aforesaid, or at any Special General Court to be held as after mentioned, or the major Part of them so assembled (but the Members so assembled not to consist of less than Fifteen), shall have full Power and Authority, in the Name of the said Corporation and on their Account, to apply and dispose of the Monies, Goods, and Effects already given and accumulated, and which shall from Time to Time be contributed or given by any Person or Persons on the Account of the said Charity, and of all other Monies and Effects belonging or to belong to the said hereby-erected Corporation, to and for the Purposes aforesaid, and to, for, or in any other Purpose, Way, Matter, or Thing relating to the said Charity, and for the Benefit thereof, at their Discretion, and at such like Discretion to purchase or agree to purchase, or take upon Lease, or to sell or agree to sell, or let, Lands, Tenements, or Hereditaments, and to direct the Investment of Money, or the Sale of Securities, or the Change and varying of Securities, and the general Disposition and Management of the Property of the said Corporation, and with and under their Common Seal to enter into any Covenants and Contracts for the Purposes aforesaid, or for any other Purpose or Purposes for the better effecting and carrying on of the charitable Uses and Designs aforesaid, and to do, manage, and transact and determine all such other Matters and Things as shall to them appear necessary and convenient for the effecting or carrying on the Purposes aforesaid, and shall and may delegate such Powers and Authorities to the Committee for the Time being, and place at their Disposal such Sum and Sums of Money as they shall think necessary for the more easy, speedy, and effectual Execution of this Act and the charitable Designs of the said Society.

V. And be it further enacted, That it shall and may be lawful to and for the Members of the said Corporation, in General Quarterly, Adjourned General, or Special General Court assembled only, or the major Part of them so assembled, but the Members so assembled not to consist of less than Fifteen, to order and dispose of the Cus-

A General Court to be held quarterly.

Annual General Courts for Choice of President, Vice-Presidents, &c.

Powers given to Courts.

Power to order and dispose of the Use of the Common Seal;

to make Bye Laws; and to revoke and change them.

No Bye Law to be binding unless confirmed by a succeeding General Court.

Provision for calling Special General Courts.

Who shall preside at General and other Courts.

Certain Members may vote by Proxy at Elections.

today of their Common Seal, and the Use and Application thereof, and to make, ordain, and constitute such and so many Bye Laws, Constitutions, and Ordinances for the Government of the Affairs, Officers, and Servants of the said Corporation, and of the Patients for the Time being under their Care, and for the Transaction of the Business of the said Society, as to the Members present at any such General Court (not less than Fifteen in Number), or to the greatest Part of them, shall seem necessary and convenient, and the same Bye Laws, Constitutions, and Ordinances so made to put in use and enforce accordingly, and at their Will and Pleasure to revoke, change, and alter the same or any of them; which said Bye Laws, Constitutions, and Ordinances so as aforesaid made shall be duly kept and observed, provided the same be reasonable, and not contrary or repugnant to the Statutes, Customs, or Laws of this Kingdom, or any of the express Regulations of this Act: Provided nevertheless, that no such Bye Law, Rule, Order, or Ordinance shall be binding or have any Force or Effect until the same shall have been agreed to and confirmed by another General Court, whether Annual, Quarterly, Adjourned, or Special General; and that the same Method shall be observed in altering or repealing any such Bye Law, Rules, Orders, or Ordinances.

VI. And be it further enacted, That it shall and may be lawful for any Ten Members or more of the Committee of the said Corporation from Time to Time, by Notice to be given Fourteen Days or more previously in any Two or more Daily *London* Papers, to convene a Special General Court of the said Corporation for the Purpose of buying any Property, Real or Personal, or the selling or disposing of any Property, Real or Personal, of or belonging to the said Corporation, or of making or altering any Bye Laws of the said Society, or of confirming or altering the Proceedings of the then last preceding General Court, or for the Transaction of any of the Affairs and Business of the said Corporation, as Occasion may require; and all such Special General Courts shall be in like Manner holden and have the same full Powers and Authorities in every respect as an Annual General Court.

VII. And be it further enacted, That in every General, Adjourned, Quarterly, or Special General Court of the said Members, the President for the Time being, or in case of his Absence the Vice-President first named in the List of Vice-Presidents for the Time being then present, or in case of the Absence of such President and of all the Vice-Presidents, the Treasurer for the Time being, or if he shall also happen to be absent, then such one of the Members or Governors as the major Part of them then present shall choose or appoint for that Purpose, shall take the Chair and preside.

VIII. And be it further enacted, That in all Elections of Presidents, Vice-Presidents, Treasurers, Auditors, and Committee-men of the said Corporation, all Lords and Members of Parliament of the United Kingdom of *Great Britain* and *Ireland*, or either of them, and all Women of what Rank or Degree soever, being Governors or Members of the said Corporation, shall be permitted to vote or ballot by their respective Proxies (being also Governors or Members of the said Corporation) whom they shall from Time to Time think fit to nominate and appoint for those respective Purposes by Writing under their respective Hands; and that every such

such Vote or Ballot by Proxy shall in every such Election, but in no other Case whatsoever, be deemed and allowed to have the same Force and Effect as the Vote or Ballot of any Governor or Member present at such Election.

IX. And be it further enacted, That the Rotation in which the Committee shall go out of Office, and their Re-eligibility to Office, may be regulated by a Bye Law of the said Society.

As to Committee quitting Office.

X. And be it further enacted, That the said Committee, or any Three or more of them, shall continue to meet weekly, at such Days, Times, and Places as they have heretofore been accustomed to meet, and to make Order for the usual and ordinary Disbursements, Management, and Exigencies of the said Charity as they have hitherto been accustomed to do, until otherwise regulated by some Rule, Order, or Bye Law to be made in pursuance of this Act; and the Treasurer of the said Society (until otherwise regulated by any Rule, Order, or Bye Law to be made as aforesaid,) shall continue to receive and pay Monies for the Purposes of the said Charity, and to meet the ordinary Disbursements thereof, under the Directions of the Committee or Majority of Committee present at any Meeting of Committee.

Committee to meet as heretofore, till otherwise ordered.

XI. And be it further enacted, That the General Committee, or any Seven or more of them, shall have Power and they are hereby authorized and enabled from Time to Time to appoint Sub-Committees, each Sub-Committee to consist of Three or more Members of the General Committee, and to invest such Sub-Committees with such delegated Powers and limited by such Instruction as to the General Committee shall seem meet, for the Transaction of and Inquiry into any of the Affairs and Business of the said Corporation which it shall from Time to Time be the Duty of the General Committee to transact or superintend.

General Committee may appoint Sub-Committees.

XII. And be it further enacted, That the President, Vice-Presidents, and Treasurer for the Time being shall be Members of Committee by virtue of their Offices.

Members of Committee ex officio.

XIII. And be it further enacted, That the General Committee, or any Meeting of Committee at which not less than Ten Committeemen shall be present, shall from Time to Time and at all Times as Occasion shall require have Power and they are hereby directed from Time to Time to appoint all such Chaplains, Physicians, Surgeons, Apothecaries, Solicitors, Secretaries, and Collectors, or other superior Officers, as shall be necessary for the Transaction of any of the Affairs and Business of the said Corporation, for so long, and upon such Conditions, and with such Salary, Emoluments, and Perquisites, to be paid and allowed out of the Funds and Effects of the said Society, as to the Committee for the Time being shall seem meet, provided that at least Seven of the Committeemen then present concur in every such Appointment; and all which Salaries and Emoluments the Treasurer of the said Society is hereby required from Time to Time to pay and allow out of the Funds and Effects of the said Society; but all or any of which Officers may be from Time to Time removed, either by the same Means by which they or he shall respectively have been appointed, or by any Annual Court, or by any Quarterly, Adjourned, or Special General Court; and the Appointment and Removal at Pleasure of all or so many other Servants and inferior Officers of

Committee to appoint Officers.

Removal of Officers.

the Corporation as the Committee for the Time being may think necessary to employ, with such Salary and Wages as shall be thought right, may be made by the General Committee at any Weekly Meeting of Committee at which Three or more Members shall be present and vote therein; all which Salary and Wages the Treasurer for the Time being shall pay and make good out of the Funds and Effects of the said Society.

No Officer of the Corporation to vote whilst he continues in Office.

XIV. And be it further enacted, That no Chaplain, Physician, Surgeon, Apothecary, Solicitor, Secretary (except an Honorary Secretary), or Collector, or other Officer or Servant of the Corporation, whether superior or inferior, shall be entitled to vote either in Committee, or at any Annual, Quarterly, Adjourned, or Special General Court, so long as he shall continue in Office.

Treasurer, with the Consent of the Committee, to invest in the Public Funds or other Securities any Money given for the Purposes in this Act mentioned, except so much as the Exigencies of the Corporation shall require.

XV. And be it further enacted, That (until otherwise directed by some Rule, Order, or Bye Law to be made as aforesaid,) it shall and may be lawful to and for the Treasurer for the Time being of the said hereby-erected Corporation, and he is hereby authorized and required, from Time to Time, by and with the Consent and Approbation of the Committee thereof for the Time being, or the major Part of such Committee present at any usual Meeting of Committee, (but the Number of Committee-men by whom such Consent and Approbation shall be given not to consist of less than Ten,) such Consent and Approbation to be testified in Writing under their Hands, to lay out and invest all or any such Sum or Sums of Money as hath or have been given, devised, or bequeathed, or shall at any Time or Times hereafter be paid, given, devised, or bequeathed, by any charitable or well-disposed Person or Persons to and for the charitable Ends, Intents, and Purposes of the said Society, or any Monies accumulated or hereafter to be received or accumulated by the said Society, or any Part of such Monies, (other than and except such and so much thereof as the Exigencies of the said Corporation shall call for the immediate Application or Expenditure of,) in any of the Parliamentary Stocks or Public Funds of *Great Britain*, or at Interest on Government or Real Securities in *England or Wales*, in his own Name, or in the Names of any Three or more Committee-men, as shall be by the Committee directed, and from Time to Time, with such Consent and Approbation as aforesaid, to make sale of, and to alter, transfer, vary, and transpose such Stocks, Funds, and Securities for or into other Stocks, Funds, and Securities of a like Nature, or otherwise, as Need or Occasion shall be or require.

Monies arising thereby, and the Dividends, &c., to be applied for the Purposes of this Act.

XVI. And be it further enacted, That the Monies arising from or by any Sale or Sales, or so much thereof as shall not be again laid out and invested, with such Consent and Approbation as aforesaid, in some other of the Stocks, Funds, and Securities before mentioned, and also all the Dividends, Interests, and annual Proceeds which shall from Time to Time arise from such Funds, shall from Time to Time be applied to and for the said charitable Uses, Ends, Intents, and Purposes.

Touching the Election of Members.

XVII. And to the Intent that there never may be wanting a competent Number of Members of the said hereby-erected Corporation, and for perpetuating the Succession thereof, be it further enacted, That it shall and may be lawful to and for the Members of the said Corporation at any General Court (either Annual, Quarterly,

Quarterly, Adjourned, or Special General, or the major Part of them that shall be then present, but the Number then present not to consist of less than Fifteen,) to elect and choose some other fit and able Person or Persons to be a Member or Members of the said hereby-erected Corporation, either as Honorary Members, or in the Room or Place of such Members as may have died off or have ceased to be Subscribers to or Members of the said Corporation.

XVIII. And be it further enacted, That all Questions upon the Proceedings of the said Corporation at any General Court or Committee shall be decided by Vote, and in case of an Equality of Votes the President or Chairman of the Meeting shall have the casting Vote, but otherwise he is not to vote; and upon Demand of any Five Members of the said Corporation present at such General Court or Committee respectively, the same shall be determined by Ballot, to be immediately proceeded upon and completed.

Questions to be decided by Vote.

President to have casting Vote.

Ballot.

XIX. And be it further enacted, That the Members of the said Corporation, at a General Court, or the major Part of them present at such General Court, (but such Members present not to consist of less than Fifteen,) shall have Power from Time to Time and at all Times to fill up any Vacancy or Vacancies in the Committee, and, in case the Committee shall have neglected or omitted so to do, to appoint such superior Officers and Persons as the Members constituting a General Court shall think necessary to employ for the Purposes and in the Execution of this Act, and from Time to Time to suspend or remove any Officer or Servant of or employed by the said Corporation, and to refer it back to the Committee to appoint another instead; and in case of any Appointment of a superior Officer taking place at a General Court, such General Court may, out of the Monies to be received for the Purposes of this Act, make reasonable Allowances to every such Officer so appointed as last aforesaid for his Services; but it shall and may be lawful to and for the General Committee (provided that any Seven or more of them concur therein) at any Weekly or other Meeting, for good and sufficient Cause, to suspend or remove any Officer or Person who shall have been appointed by a General Court.

General Court empowered to fill up Vacancies in Committee, and to appoint such Officers, &c. as the Committee shall have neglected to appoint, and to remove or suspend any Officer.

Committee may suspend or remove Officers upon sufficient Cause.

XX. And be it further enacted, That all and every Officer or Servant of the said Corporation shall from Time to Time, when thereunto required by any Seven or more of the General Committee, make and render to the General Committee a true, exact, and perfect Account in Writing under his or her Hand or their respective Hands, upon Oath, to be taken before Two or more of the said Committee (which Oath any Two or more of the said Committee are hereby empowered to administer), of all Monies, Stores, and Effects which he, she, or they and every of them respectively shall to that Time have received, paid, disbursed, or been entrusted with by virtue of this Act, or by reason of their respective Offices; and in case any Money or Effects, the Property of the said Society, shall remain in their or any of their Hands, the same shall be paid or handed over to the General Committee or to any Seven or more of them, or to such Person or Persons as any Seven or more of the General Committee shall appoint to receive the same; and in case any such Officer or other Person shall not make and render, or shall refuse to verify upon Oath, any such Account, or to make

Officers, if required, to swear to Accounts before any Two of the Committee.

such Payment or Delivery as aforesaid, then any One or more Justice or Justices of the Peace for either of the Counties of *Middlesex, Kent, Surrey, or Essex*, or for the City of *London*, shall and may, upon Complaint to him or them, make Inquiry of and concerning such Default in a summary Way, as well by Confession of the Parties themselves as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said Justice or Justices is and are hereby empowered and required to administer); and if any such Officer or Person shall be convicted of any such Offence, such Justice or Justices shall upon such Conviction commit the Party offending to some one of the Prisons of the City of *London*, there to remain without Bail or Mainprize until he or she shall have made a true and perfect Account and Payment as aforesaid, or until he or she shall have compounded and agreed with the General Committee (but the Number of Committee-men assenting to such Composition not to be less than Seven in Number), and have paid such Composition Money, which Composition the said General Committee, or any Seven or more of them, are hereby empowered to make.

Treasurer to
account with
Auditors.

XXI. Provided always, and it is hereby further enacted and declared, That the Treasurer for the Time being of the said Corporation shall not be obliged to account with the General Committee or any of them as Committee-men, but shall at all events once a Year, and at such other Time or Times as he shall be thereunto required by the Auditors herein-before named, or to be nominated as herein-before and herein-after mentioned, or the major Part of such Auditors, give in his Accounts for the Purpose of the same being examined and allowed or disallowed, and shall pay over all the Monies remaining in his Hands, and transfer all the Funds and Securities standing in his Name as Treasurer aforesaid, to the Treasurer to be from Time to Time appointed to succeed him, on Demand.

Duties of Au-
ditors.

XXII. And be it further enacted, That it shall be the Duty of the Auditors for the Time being to audit, examine into, and settle the Accounts of the Treasurer and Committees at least once in every Year, and to do so in Time sufficient for the same being printed and laid before the Annual General Court.

Accounts when
audited and
confirmed not
to be ques-
tioned.

XXIII. And it is hereby enacted and declared, That all Accounts which shall be audited and allowed by the Auditors for the Time being, or the major Part of them, and which shall be confirmed at the ensuing Annual General Court, shall be considered as finally settled, and the same shall never again be opened or questioned.

Auditors of the
Year preceding
may be re-
elected;
their Number
to be always
kept up to Four.

XXIV. And be it further enacted, That it shall be competent to the General Court either to re-elect the Auditors of the Year preceding, or such of them as to the General Court shall seem meet, or to elect others; and whenever by Death, Desire to be discharged, Refusal, declining, or becoming incapable to act of any Auditor, the Number shall become reduced to fewer than Four, the Number shall be filled up as speedily as may be, and a General or Special General Court be called, if needful, for the Purpose.

Offences triable
in the City of
London.

XXV. And whereas considerable Inconvenience has at Times been occasioned to the said Charity by the Medical and other Officers of the said Charity being obliged, in case of Felony or Misdemeanor committed on board their Hospital Ship, to go to *Maid-*

stone

'stone for the Prosecution of the Offenders;' for Remedy whereof be it enacted, That all Felonies and Misdemeanors which shall be at any Time or Times committed on board any Hospital Ship in the Occupation of or belonging or to belong to the said Corporation, and which shall at any Time be moored in any Part of the River *Thames* above *Gravesend*, or in respect of any Property attached to the same, shall (whether the Ship shall be, at the Time of the Offence committed, afloat or aground) be triable in the City of *London*, and not elsewhere, and may, in the Indictment, Information, Warrant, and all other Proceedings respecting the same, be alleged to have been committed in the City of *London*, except in case of summary Conviction, which may take place either on board the Ship or on either Shore, and the Offender for the Time being shall be committed to one of the Prisons in the City of *London*, but which Commitment may in any Case take place by any of His Majesty's Justices of the Peace either of the City of *London*, or of either of the Counties of *Middlesex*, *Kent*, *Surrey*, or *Essex*, or in case of Riot, Assault, Battery, or Breach of the Peace on board any such Hospital Ship, then by a Committee-man or Committee-men of the said Corporation; in all which Cases any of such Justices of the Peace are hereby empowered to act out of their respective Counties or Jurisdictions in as full and ample Manner as according to the Laws and Statutes of this Realm they are empowered in other Cases to act within their respective Counties or Jurisdictions, and shall have all the Privileges, Immunities, and Indemnities they would have if acting in their own respective Counties or Jurisdictions.

XXVI. Provided also, and be it further enacted, That in all Cases of Riot, Assault, Battery, or Breach of the Peace occurring in any Hospital Ship belonging or to belong to the said Corporation, or in any Hospital belonging or to belong to the said Corporation on Shore, any One or more of the Committee-men for the Time being of the said Corporation, who shall have previously been thereunto appointed by Writing (which shall be free from all Stamp Duty) under the Hands of the Lord Mayor and Recorder for the Time being of the City of *London*, and which Appointment the said Lord Mayor and Recorder are hereby from Time to Time authorized to give and make, and when made shall be in force for One Year, shall have full Power and Authority to swear in Constables (who when sworn in shall have all the Powers of Constables), and to arrest, imprison, convict, and sentence, and in all other respects to act as a Justice or Justices of the Peace, and to execute and perform all the Powers and Duties of a Justice of the Peace, and be entitled to all the Privileges, Immunities, and Indemnities to which a Justice of the Peace in the Execution of his Duty is entitled, in the same full and ample Manner as any Justice or Justices of the Peace might or could do; and it shall not be requisite for any such Committee-man so acting to be qualified as a Justice of the Peace in respect of Property.

Committee-men may act as Justices of the Peace in case of Breach of the Peace.

XXVII. And be it further enacted, That all Warrants for the Apprehension or Commitment of any Offender to be issued by virtue of this Act (except in case of Offences committed in any Hospital of the said Society on Shore) shall be directed in manner following, (that is to say,) "To all Constables whatsoever, and to

Warrants for the Apprehension and Commitment of Offenders, how to be directed, and by whom to be executed.

the Keeper of His Majesty's Gaol of *Newgate* in the City of *London* ;" and that every Warrant so directed shall be in full Force in any County or Jurisdiction in the United Kingdom, for the Apprehension and bringing of the Offender before a Justice or other Person properly authorized, and for the conveying to and Detention in Prison of the Offender, and may be executed in any County or Place by a Constable of any other County or Place, notwithstanding such Constable may be acting out of his ordinary District ; and the Gaoler of His Majesty's Gaol of *Newgate* in the City of *London* shall be bound, on the Tender of every such Warrant with the Offender, to receive and detain the Offender until delivered by due Course of Law ; provided that it shall be lawful for any Two or more of His Majesty's Justices of the Peace of the City of *London*, before Trial, by Warrant under their Hands, to remove or commit the Offender or Offenders to any other Prison in the City of *London*.

Notice to be given before commencing an Action for any thing to be done in pursuance of this Act.

XXVIII. And be it further enacted, That no Action shall be brought nor Suit be commenced against any Person or Persons for any thing to be done in pursuance of this Act, or in relation to the Premises or any of them, unless the Party aggrieved shall have given to the Party by whom he shall consider himself aggrieved Notice in Writing of the Cause of his or her Complaint, and of his or her Intention to commence an Action or Suit, One Calendar Month at least before commencing any such Action or Suit, in precisely the same Manner in which by Law aggrieved Parties are now bound to give Notice to Justices of the Peace of an Intention to commence an Action or Suit ; and the Party to whom such Notice may be given shall, either before or after Notice given, and before Action brought or Suit commenced, be at liberty to tender Amends in such and the same Manner as a Justice of the Peace is now by Law enabled to do, and which Tender shall be in like Manner effectual and available.

Limitation of Actions.

XXIX. And be it further enacted, That if any Action shall be brought or Suit be commenced against any Person or Persons for any thing done in pursuance of this Act, or in relation to the Premises or any of them, every such Action or Suit shall be laid or brought, within Two Calendar Months next after the Grievance committed, in the County or Place where the Fact was done, and not elsewhere ; and the Defendant or Defendants in such Action may plead the General Issue, and give this Act, and a Tender of Amends before Action brought, or the special Matter, in Evidence at any Trial to be had thereupon, and that the Act or Matter was done in pursuance and by the Authority of this Act ; and if the same shall appear to have been so done, or if any such Action or Suit shall not be brought within the Time before limited, or shall be brought in any other County or Place than as aforesaid, or the Jury shall not consider the aggrieved Party entitled to more than the Amends tendered, then the Jury shall find for the Defendant or Defendants ; or if the Plaintiff or Plaintiffs shall become Nonsuit, or suffer a Discontinuance of his, her, or their Action or Actions, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant shall have Double Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants hath or have for Costs in other Cases of Law.

General Issue.

Double Costs.

XXX. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without specially pleading the same; and a Copy thereof printed by the King's Printer shall be received as Evidence in all Courts of Law and Equity.

Public Act.

CAP. X.

An Act to reduce the Duty payable on Cotton Wool imported into the United Kingdom. [17th May 1833.]

‘ WHEREAS an Act was passed in the First and Second Year of the Reign of His present Majesty, intituled *An Act to discontinue or alter the Duties of Customs upon Coals, Slates, Cotton Wool, Barilla, and Wax*: And whereas it is expedient to reduce the Duty on Cotton Wool thereby imposed: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of June One thousand eight hundred and thirty-three there shall be raised, levied, collected, and paid for and upon every Hundred Weight of Cotton Wool or Waste of Cotton Wool, the Produce of any Foreign Country, or imported from any Foreign Country, a Duty of Two Shillings and Eleven-pence in lieu of the Duty of Five Shillings and Ten-pence imposed by the said Act.

1 & 2 W. 4. c. 16.

After 1st June, 1833 the Duty on Cotton Wool imported shall be 2s. 11d. in lieu of 5s. 10d.

II. And be it further enacted, That the said Duty shall be raised, levied, collected, paid, and appropriated in like Manner as if the same had been imposed by an Act passed in the Sixth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for granting Duties of Customs*.

Duty to be levied, paid, &c. as if imposed by 6 G. 4. c. 111.

III. And be it further enacted, That this Act may be amended, altered, or repealed by any Act to be passed in this present Session of Parliament.

Act may be altered.

CAP. XI.

An Act for repealing the Duties and Drawbacks of Excise on Tiles. [17th May 1833.]

‘ WHEREAS it is expedient that the several Duties and Drawbacks of Excise payable on Tiles made in *Great Britain*, or brought from *Ireland* into *Great Britain*, should cease and determine: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the several Duties of Excise payable by Law for or upon Tiles made in *Great Britain*, and for and upon Tiles brought from *Ireland* into *Great Britain*, and all Drawbacks of Excise for or in respect of the Exportation of any Tiles to Foreign Parts, or the Removal of any Tiles from *Great Britain* into *Ireland*, shall be repealed, cease, and determine, and be no longer paid or payable: Provided always, that any of the said Duties which shall have been charged, or any Arrear thereof, or any Penalty or Forfeiture in respect of the

Duties and Drawbacks of Excise on Tiles repealed.

Proviso as to Arrears of Duties, to Penalties, and to Payments of

Drawbacks on Shipments before the Commencement of the Act.

Commencement of Act.

Act may be altered.

the said Duties, which shall have been incurred before the Commencement of this Act, or the Payment of any Drawback which shall be payable in respect of any Tiles shipped for Exportation to Foreign Parts or Removal to *Ireland* before the Day of the Commencement of this Act, shall and may be sued for, levied, recovered, and paid in the same Manner as if this Act had not been passed.

II. And be it further enacted, That this Act shall commence and take effect on the Twentieth Day of *May* One thousand eight hundred and thirty-three.

III. And be it further enacted, That this Act may be amended, altered, or repealed by any Act or Acts to be passed in this present Session of Parliament.

CAP. XII.

An Act to repeal the Duties on Personal Estates continued by an Act of the present Session of Parliament.

[17th *May* 1833.]

3 W. 4. c. 3.

‘ **W**HEREAS by an Act passed in this present Session of Parliament, intituled *An Act for continuing to His Majesty until the Fifth Day of April One thousand eight hundred and thirty-four certain Duties on Sugar imported into the United Kingdom, and for One Year certain Duties on Personal Estates, Offices, and Pensions in England, for the Service of the Year One thousand eight hundred and thirty-three*, it is amongst other things enacted, that the several and respective Sums of Money and Duties which shall have been or shall be charged upon Estates in ready Money, Debts, Goods, Wares, Merchandizes, Chattels, or other Personal Estate, by virtue of an Act passed in the Thirty-eighth Year of the Reign of His late Majesty King *George* the Third, for granting an Aid to His Majesty by a Land Tax, and which have been continued and are in force until the Twenty-fifth Day of *March* One thousand eight hundred and thirty-three, shall be continued, and raised, levied, collected, and paid unto His present Majesty within the Space of One Year from the said Twenty-fifth Day of *March* One thousand eight hundred and thirty-three: And whereas it is expedient that the said Duties should not be continued after the said Twenty-fifth Day of *March* One thousand eight hundred and thirty-three:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said recited Act passed in this present Session of Parliament as continues unto His present Majesty the said recited Duties on Estates in ready Money, Debts, Goods, Wares, Merchandize, Chattels, or other Personal Estate, within the Space of One Year from the Twenty-fifth Day of *March* One thousand eight hundred and thirty-three, shall be and is hereby repealed; and it is hereby declared that the said Duties ceased and determined on the Twenty-fifth Day of *March* One thousand eight hundred and thirty-three: Provided nevertheless, that this Act shall not extend to any Assessments of the like Duties continued by any Act or Acts for any former Year or Years, or to the Recovery of any Arrears thereof.

So much of recited Act as continues the Duties on Personal Estates for One Year from 25th *March* 1833 repealed.

Not to extend to any Act of former Years.

CAP.

CAP. XIII.

An Act to provide for the Execution of the Duties performed by the Barons of Exchequer in *Scotland* in relation to the Public Revenue, and to place the Management of the Assessed Taxes and Land Tax in *Scotland* under the Commissioners for the Affairs of Taxes.

[17th May 1833.]

WHEREAS by an Act passed in the Sixth Year of the Reign of Her Majesty Queen *Anne*, intituled *An Act for settling and establishing a Court of Exchequer in the North Part of Great Britain called Scotland*, it was enacted, that from and after the Fifth Day of *May* One thousand seven hundred and eight a Court of Exchequer should be and was thereby constituted and established in *Scotland*, and such Court was thereby enacted to be a Court of Record, Revenue, and Judicature for and within *Scotland*; and it was by the said Act among other things enacted, that all Officers and Persons employed in or about the collecting, receiving, managing, paying, answering, or accounting for any of the Crown Revenues, Debts, or Duties in *Scotland* should be under and subject to the Orders, Authority, and Jurisdiction of the said Court of Exchequer in all things touching the said Revenues, Debts, or Duties, and the Securities to be given and Oaths to be taken relative thereto, not contrary to or inconsistent with the Commands, Orders, or Directions in force of or from the Queen's Majesty, Her Heirs and Successors, or of or from the Lord High Treasurer of *Great Britain*, or the Lords Commissioners of the Treasury in *Great Britain*, for the Time being: And whereas an Act was passed in the Forty-third Year of the Reign of His Majesty King *George* the Third, intituled *An Act for consolidating certain of the Provisions contained in any Act or Acts relating to the Duties under the Management of the Commissioners for the Affairs of Taxes, and for amending the said Acts, so far as the same relate to that Part of Great Britain called Scotland*; and another Act was passed in the said Forty-third Year of the Reign of His said Majesty, intituled *An Act for repealing the several Duties under the Management of the Commissioners for the Affairs of Taxes, and granting new Duties in lieu thereof; for granting new Duties in certain Cases therein mentioned; for repealing the Duties of Excise on Licences, and on Carriages constructed by Coachmakers, and granting new Duties thereon, under the Management of the said Commissioners for the Affairs of Taxes; and also new Duties on Persons selling Carriages by Auction or on Commission*; and another Act was passed in the Forty-fifth Year of the Reign of His said Majesty, intituled *An Act to amend so much of an Act of the Forty-third Year of His present Majesty, for consolidating certain of the Provisions of the Acts relating to the Duties in Scotland under the Management of the Commissioners for the Affairs of Taxes, as relates to the Appointment of Assessors and Sub-Collectors, and the Notices required to be delivered to Persons assessed to the said Duties*; and another Act was passed in the Fifty-second Year of the Reign of His said Majesty, intituled *An Act to amend and regulate*

6 Anne, c. 26.

43 G. 3. c. 150.

43 G. 3. c. 161.

45 G. 3. c. 95.

52 G. 3. c. 95.

- 55 G. 3. c. 161. ' regulate the Assessment and Collection of the Assessed Taxes, and of
 ' the Rates and Duties on Profits arising from Property, Possessions,
 ' Trades, and Offices, in that Part of Great Britain called Scotland;
 ' and another Act was passed in the Fifty-fifth Year of the Reign
 ' of His said Majesty, intituled *An Act to amend and render more*
 ' *effectual an Act of the Fifty-second Year of His present Majesty, to*
 ' *amend and regulate the Assessment and Collection of the Assessed*
 ' *Taxes, and of the Rates and Duties on Profits arising on Property,*
 ' *Professions, Trades, and Offices, in that Part of Great Britain called*
 ' *Scotland*; and another Act was passed in the First and Second
 ' Years of the Reign of His Majesty King George the Fourth,
 ' intituled *An Act to continue several Acts for the Relief of Persons*
 ' *compounding for Assessed Taxes from an annual Assessment, for a*
 ' *further Term*; and to amend the Acts relating to Assessments and
 ' Compositions of Assessed Taxes; by which, and other Acts relating
 ' to the Assessed Taxes, and Compositions for the same, various
 ' Powers and Duties are conferred and imposed upon the said Barons
 ' in relation to the Assessment and Recovery of the Assessed Taxes
 ' in Scotland: And whereas an Act was passed in the Thirty-eighth
 ' Year of the Reign of His late Majesty King George the Third,
 38 G. 3. c. 60. ' intituled *An Act for making perpetual, subject to Redemption and*
 ' *Purchase in the Manner therein stated, the several Sums of Money*
 ' *now charged in Great Britain as a Land Tax for One Year, from the*
 ' *Twenty-fifth Day of March One thousand seven hundred and ninety-*
 ' *eight*: And whereas another Act was passed in the Forty-second Year
 42 G. 3. c. 116. ' of the Reign of His said Majesty, intituled *An Act for consolidating*
 ' *the Provisions of the several Acts passed for the Redemption and Sale*
 ' *of the Land Tax into One Act, and for making further Provision for*
 ' *the Redemption and Sale thereof*; and for removing Doubts respect-
 ' *ing the Rights of Persons claiming to vote at Elections for Knights*
 ' *of the Shire and other Members to serve in Parliament, in respect of*
 ' *Messuages, Lands, or Tenements, the Land Tax upon which shall*
 ' *have been redeemed or purchased*; and other Acts were passed,
 ' relating to the Redemption of the Land Tax: And whereas by
 ' various Acts in force in relation to the Courts of Law and Equity,
 ' and the Records of that Part of the United Kingdom called
 ' Scotland, the said Barons are authorized and required to ascertain
 ' and fix the Compensation of certain Officers and others con-
 ' nected with the said Courts or Establishments, and to authorize
 ' the Issue of Money for the Payment of such Compensations or
 ' Parts thereof, and other Powers and Duties are by such Acts
 ' conferred upon the said Barons: And whereas the said Barons
 ' are also empowered, by various Acts in relation to sundry Public
 ' Works, Buildings, Undertakings, or Establishments in Scotland,
 ' to authorize the Issue of Money toward the Payment or part
 ' Payment of the Expence of Erection, Repair, or Maintenance
 ' of such Public Works, Buildings, Undertakings, or Establish-
 ' ments, and to attend to the Security and Interest of the Public
 ' in procuring or enforcing the Repayment of Monies advanced
 ' towards such Purposes or some of them, and in procuring or
 ' enforcing the Payment of the Interest accruing upon Monies due
 ' in respect of such Works or some of them: And whereas an Act
 ' was passed in the Fiftieth Year of the Reign of His Majesty
 50 G. 3. c. 84. ' King George the Third, intituled *An Act for augmenting Paro-*
 ' *chial*

chial Stipends in certain Cases in Scotland; and another Act was passed in the Fifth Year of the Reign of His Majesty King George the Fourth, intituled *An Act for amending and rendering more effectual an Act for augmenting Parochial Stipends in certain Cases in Scotland*; by which Two last-recited Acts the said Barons were authorized and directed to issue their Precepts or Warrants to His Majesty's Receiver General in Scotland for the Payment annually of certain Sums to certain of the Parochial Ministers of the Church of Scotland, and for Payment of Ann to the Representatives of such Ministers who may be entitled thereto; and of vacant Stipends, for the Purposes and in the Manner therein set forth: And whereas an Act was passed in the Fifth Year of the Reign of His Majesty King George the Fourth, intituled *An Act to amend an Act for building additional Places of Worship in the Highlands and Islands of Scotland*; by which Act the Commissioners for building additional Places of Worship in the Highlands and Islands of Scotland are directed to account to the said Barons of Exchequer for the Expenditure of the Sums to be issued under the said last-recited Act for the Purposes aforesaid, and the said Barons are thereby directed to issue Precepts to the Ministers officiating at such Places of Worship for the Payment of the Stipends thereby directed to be paid, and the Ann when due is directed to be paid in the Manner prescribed by the said recited Act for augmenting Parochial Stipends: And whereas the said Barons of the Court of Exchequer in Scotland have been heretofore in use, under or by virtue of Writs of Privy Seal, Royal Warrants, Custom, Usage, or otherwise, to issue Precepts for the Sums applicable to the Payment of the Charges of the Courts of Law in Scotland, and also to direct and order Payment of other Charges not relating to the Courts of Law; and Powers and Duties are also exercised and performed by the said Barons in relation to the Payment of Fees and Salaries payable out of the Civil Establishment of Scotland; and the said Barons are also by such Authority in-nee to order and take cognizance regarding the Payment of the Salaries of Sheriffs and their Substitutes; to issue Payments to the Sheriff of Edinburgh for Expences incurred in the Public Service, and to see to the accounting for the same; to issue, on the Application of the Lord Advocate, the Monies necessary for defraying the Expence of Criminal Prosecutions, and otherwise in relation to the receiving, ordering, issuing, and Administration of Public Monies; to grant Tacks of Teinds; and to appoint to Bursaries falling under the Gift of the Crown: And whereas an Act was passed in the Fourth Year of the Reign of His Majesty King George the Fourth, intituled *An Act to consolidate the several Boards of Customs, and also the several Boards of Excise, of Great Britain and Ireland*: And whereas another Act was passed in the Seventh and Eighth Year of the Reign of His said Majesty King George the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Collection and Management of the Revenue of Excise throughout Great Britain and Ireland*: And whereas another Act was passed in the Second Year of the Reign of His present Majesty King William the Fourth, intituled *An Act for making Provision for the Dispatch*

5 G. 4. c. 72.

5 G. 4. c. 90.

4 G. 4. c. 23.

7 & 8 G. 4.

c. 53.

2 W. 4. c. 54.

of

2 & 3 W. 4.
c. 103.

2 & 3 W. 4.
c. 112.

The Powers and Duties of the Barons of the Exchequer in Scotland, as at present exercised, to cease, and be vested in the Commissioners of the Treasury.

‘ of Business now done by the Court of Exchequer in Scotland :
 ‘ And whereas another Act was passed in the Second and Third
 ‘ Year of the Reign of His said Majesty King *William* the Fourth,
 ‘ intituled *An Act to provide for the Examination and Audit of the*
 ‘ *Customs and Excise Revenues in Scotland* ; and another Act was
 ‘ passed in the said Second and Third Year of the Reign of His
 ‘ said Majesty King *William* the Fourth, intituled *An Act to*
 ‘ *authorize the Hereditary Land Revenues of the Crown in Scotland*
 ‘ *being placed under the Management of the Commissioners of the*
 ‘ *Land Revenues* : And whereas it is expedient that all the Powers,
 ‘ Authorities, and Duties heretofore exercised or performed by the
 ‘ said Barons of the Court of Exchequer in *Scotland*, in relation to
 ‘ and concerning the managing, ordering, paying, issuing, or
 ‘ administering any of the Monies of or belonging or indebted to the
 ‘ Crown in *Scotland*, other than the Duties or Revenues of Customs
 ‘ and Excise, in so far as the same or any Part thereof are by the
 ‘ said recited Acts in that Behalf put under the Management and
 ‘ Disposal of the Board of Customs and Excise of the United
 ‘ Kingdom, and the said Crown Revenues of *Scotland*, so far as the
 ‘ same are by the said recited Act in that Behalf put under the
 ‘ Commissioners of His Majesty’s Woods, Forests, Land Revenues,
 ‘ Works, and Buildings, should be vested in the Lords Commis-
 ‘ sioners of His Majesty’s Treasury in the Manner and to the
 ‘ Effect herein-after mentioned ; and that all the Powers and
 ‘ Duties of the said Barons (not being Judicial Powers and Duties)
 ‘ in relation to the Assessment, Collection, Management, or Approp-
 ‘ riation of the Land Tax or any of the Assessed Taxes, and the
 ‘ Regulation or Payment of any of the Officers or other Persons
 ‘ therewith connected, and the taking the Security to be given by
 ‘ such Officers and Persons, should be transferred to and conferred
 ‘ upon the Commissioners for the Affairs of Taxes for the Time
 ‘ being :’ Be it therefore enacted by the King’s most Excellent
 Majesty, by and with the Advice and Consent of the Lords Spiritual
 and Temporal, and Commons, in this present Parliament assembled,
 and by the Authority of the same, That from and after the passing
 of this Act all the Powers and Authorities at present exercised or
 exerciseable by the said Barons of the Court of Exchequer in
Scotland, and all the Duties performed by the said Barons, either
 in issuing Precepts or Directions to the Collectors of the Customs
 or Cashier of Excise, or any other Officer or Officers in the Collec-
 tion or Receipt of any of the Duties or Revenues of Customs or
 Excise, or Crown Revenues, or of the Land Tax or Assessed
 Taxes, or other Public Monies, to pay such Revenues, Duties, or
 Monies either to the Receiver General for *Scotland*, or other
 Officer or Person whatsoever, for the Public Service, or any other
 Purpose whatsoever ; or in relation to the ascertaining, ordering,
 issuing, allowing, or paying any Sum or Sums of Money applicable
 and paid towards the Charges of the Courts of Law, or other
 Charges not relating to the said Courts, or to any Fees and Salaries
 payable out of the Civil Establishment of *Scotland* ; to the ascer-
 taining, ordering, issuing, allowing, or paying any Sum or Sums
 of Money payable by way of Compensation or superannuation
 Allowance or retiring Salary to any Judge, Officer, or other Person
 whatsoever connected with any of the Courts of Law or Equity in
Scotland,

Scotland, or of or connected with the General Register House or other Establishment in *Scotland*; or in relation to the ascertaining, ordering, issuing, allowing, or paying any Sum or Sums of Money towards the Payment of the Expences of the Erection, Repair, or Maintenance of any Public Work, Building, Undertaking, or Establishment; or to the Securities to be taken for any Sum or Sums of Money so paid or allowed, or to the Repayment of such Sum or Sums, or the Payment of the Interest due or to become due thereon; or in relation to the issuing or paying any Stipend or Stipends, or Ann or vacant Stipends, to any of the Parochial Ministers of the Church of *Scotland*, or others entitled thereto, or to the Ministers of the Churches erected under the said recited Act of the Fifth Year of the Reign of His Majesty King *George* the Fourth, in that Behalf, or others entitled thereto; or in relation to the Payment of any Sheriff or Sheriff Substitute in *Scotland*, or any Money to be paid to or under the Direction or Superintendence of any Sheriff, for the Public Service, or to or for the Crown Agent or any other Officer or Person, for the defraying the Expences of Criminal Prosecutions in *Scotland*; or otherwise towards the receiving, ordering, issuing, or paying any such Duties, Revenues, or Public Monies, and all the ministerial Powers and Duties connected with such Payment and Administration, or in relation to the granting Tacks of Teinds, or to the appointing to Bursaries in the Gift of the Crown; and also all the Powers and Duties of the Barons of the said Court of Exchequer in regard to passing the Sheriffs Accounts or other Accounts, and taking Securities, and receiving Bonds, (excepting Recognizances and other Securities, and the Oaths taken in the Discharge of the Judicial Duties of the said Barons,) shall from and after the passing of this Act cease and determine; and all such Powers, Authorities, and Duties shall be transferred to, conferred upon, and vested in the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners of His Majesty's Treasury of the United Kingdom, for the Time being; any Act or Acts of Parliament, or any Writ of Privy Seal, or Royal Warrant, or Law, Usage, Custom, or Authority, to the contrary in anywise notwithstanding.

II. And be it enacted, That it shall be lawful to the said Commissioners of His Majesty's Treasury, or any Three of them, and they are hereby authorized and empowered, by Warrant to be made and signed by them from Time to Time, to regulate all or any of the Duties of the Offices of King's Remembrancer in *Scotland*, Lord Treasurer's Remembrancer in *Scotland*, Auditor of Exchequer in *Scotland*, and Receiver General of *Scotland*, and to consolidate, transfer, or regulate the Duties of the said Offices, and also to direct the Exercise and Performance of all or any of the Powers and Duties herein-before enumerated as heretofore exercised and performed by the said Barons of Exchequer in *Scotland*, in such Manner and under such Regulations and Conditions as the said Commissioners of His Majesty's Treasury shall think fit; any Act or Acts of Parliament, or any Law, Usage, Custom, or Authority, to the contrary notwithstanding.

III. And be it enacted, That it shall be lawful for the said Commissioners of His Majesty's Treasury for the Time being, or any Three of them, to call upon and direct the said Barons of His Majesty's Court of Exchequer in *Scotland*, by any Minute to be issued

Commissioners of the Treasury authorized to regulate the Powers and Duties of the Offices of King's Remembrancer, &c.

Commissioners of the Treasury may call upon the Barons to execute Conveyance of Pro-

2 & 3 W. 4.
c. 103.

2 & 3 W. 4.
c. 112.

The Powers and Duties of the Barons of the Exchequer in Scotland, as at present exercised, to cease, and be vested in the Commissioners of the Treasury.

of Business now done by the Court of Exchequer in Scotland:
 ' And whereas another Act was passed in the Second and Third
 ' Year of the Reign of His said Majesty King *William* the Fourth,
 ' intituled *An Act to provide for the Examination and Audit of the*
 ' *Customs and Excise Revenues* in Scotland; and another Act was
 ' passed in the said Second and Third Year of the Reign of His
 ' said Majesty King *William* the Fourth, intituled *An Act to*
 ' *authorize the Hereditary Land Revenues of the Crown in Scotland*
 ' *being placed under the Management of the Commissioners of the*
 ' *Land Revenues:* And whereas it is expedient that all the Powers,
 ' Authorities, and Duties heretofore exercised or performed by the
 ' said Barons of the Court of Exchequer in *Scotland*, in relation to
 ' and concerning the managing, ordering, paying, issuing, or
 ' administering any of the Monies of or belonging or indebted to the
 ' Crown in *Scotland*, other than the Duties or Revenues of Customs
 ' and Excise, in so far as the same or any Part thereof are by the
 ' said recited Acts in that Behalf put under the Management and
 ' Disposal of the Board of Customs and Excise of the United
 ' Kingdom, and the said Crown Revenues of *Scotland*, so far as the
 ' same are by the said recited Act in that Behalf put under the
 ' Commissioners of His Majesty's Woods, Forests, Land Revenues,
 ' Works, and Buildings, should be vested in the Lords Commis-
 ' sioners of His Majesty's Treasury in the Manner and to the
 ' Effect herein-after mentioned; and that all the Powers and
 ' Duties of the said Barons (not being Judicial Powers and Duties)
 ' in relation to the Assessment, Collection, Management, or Appro-
 ' priation of the Land Tax or any of the Assessed Taxes, and the
 ' Regulation or Payment of any of the Officers or other Persons
 ' therewith connected; and the taking the Security to be given by
 ' such Officers and Persons, should be transferred to and conferred
 ' upon the Commissioners for the Affairs of Taxes for the Time
 ' being: Be it therefore enacted by the King's most Excellent
 ' Majesty, by and with the Advice and Consent of the Lords Spiritual
 ' and Temporal, and Commons, in this present Parliament assembled,
 ' and by the Authority of the same, That from and after the passing
 ' of this Act all the Powers and Authorities at present exercised or
 ' exercisable by the said Barons of the Court of Exchequer in
 ' *Scotland*, and all the Duties performed by the said Barons, either
 ' in issuing Precepts or Directions to the Collectors of the Customs
 ' or Cashier of Excise, or any other Officer or Officers in the Collec-
 ' tion or Receipt of any of the Duties or Revenues of Customs or
 ' Excise, or Crown Revenues, or of the Land Tax or Assessed
 ' Taxes, or other Public Monies, to pay such Revenues, Duties, or
 ' Monies either to the Receiver General for *Scotland*, or other
 ' Officer or Person whatsoever, for the Public Service, or any other
 ' Purpose whatsoever; or in relation to the ascertaining, ordering,
 ' issuing, allowing, or paying any Sum or Sums of Money applicable
 ' and paid towards the Charges of the Courts of Law, or other
 ' Charges not relating to the said Courts, or to any Fees and Salaries
 ' payable out of the Civil Establishment of *Scotland*; to the ascer-
 ' taining, ordering, issuing, allowing, or paying any Sum or Sums
 ' of Money payable by way of Compensation or superannuation
 ' Allowance or retiring Salary to any Judge, Officer, or other Person
 ' whatsoever connected with any of the Courts of Law or Equity in
 ' *Scotland*,

Scotland, or of or connected with the General Register House or other Establishment in *Scotland*; or in relation to the ascertaining, ordering, issuing, allowing, or paying any Sum or Sums of Money towards the Payment of the Expences of the Erection, Repair, or Maintenance of any Public Work, Building, Undertaking, or Establishment; or to the Securities to be taken for any Sum or Sums of Money so paid or allowed, or to the Repayment of such Sum or Sums, or the Payment of the Interest due or to become due thereon; or in relation to the issuing or paying any Stipend or Stipends, or Ann or vacant Stipends, to any of the Parochial Ministers of the Church of *Scotland*, or others entitled thereto, or to the Ministers of the Churches erected under the said recited Act of the Fifth Year of the Reign of His Majesty King George the Fourth, in that Behalf, or others entitled thereto; or in relation to the Payment of any Sheriff or Sheriff Substitute in *Scotland*, or any Money to be paid to or under the Direction or Superintendence of any Sheriff, for the Public Service, or to or for the Crown Agent or any other Officer or Person, for the defraying the Expences of Criminal Prosecutions in *Scotland*; or otherwise towards the receiving, ordering, issuing, or paying any such Duties, Revenues, or Public Monies, and all the ministerial Powers and Duties connected with such Payment and Administration, or in relation to the granting Tacks of Teinds, or to the appointing to Bursaries in the Gift of the Crown; and also all the Powers and Duties of the Barons of the said Court of Exchequer in regard to passing the Sheriffs Accounts or other Accounts, and taking Securities, and receiving Bonds, (excepting Recognizances and other Securities, and the Oaths taken in the Discharge of the Judicial Duties of the said Barons,) shall from and after the passing of this Act cease and determine; and all such Powers, Authorities, and Duties shall be transferred to, conferred upon, and vested in the Lord High Treasurer of the United Kingdom of *Great Britain and Ireland*, or the Commissioners of His Majesty's Treasury of the United Kingdom, for the Time being; any Act or Acts of Parliament, or any Writ of Privy Seal, or Royal Warrant, or Law, Usage, Custom, or Authority, to the contrary in anywise notwithstanding.

II. And be it enacted, That it shall be lawful to the said Commissioners of His Majesty's Treasury, or any Three of them, and they are hereby authorized and empowered, by Warrant to be made and signed by them from Time to Time, to regulate all or any of the Duties of the Offices of King's Remembrancer in *Scotland*, Lord Treasurer's Remembrancer in *Scotland*, Auditor of Exchequer in *Scotland*, and Receiver General of *Scotland*, and to consolidate, transfer, or regulate the Duties of the said Offices, and also to direct the Exercise and Performance of all or any of the Powers and Duties herein-before enumerated as heretofore exercised and performed by the said Barons of Exchequer in *Scotland*, in such Manner and under such Regulations and Conditions as the said Commissioners of His Majesty's Treasury shall think fit; any Act or Acts of Parliament, or any Law, Usage, Custom, or Authority, to the contrary notwithstanding.

III. And be it enacted, That it shall be lawful for the said Commissioners of His Majesty's Treasury for the Time being, or any Three of them, to call upon and direct the said Barons of His Majesty's Court of Exchequer in *Scotland*, by any Minute to be issued

Commissioners of the Treasury authorized to regulate the Powers and Duties of the Offices of King's Remembrancer, &c.

Commissioners of the Treasury may call upon the Barons to execute Conveyance of Pro-

perty vested in them by any of the recited Acts.

Barons authorized to grant such Conveyance.

Collection and Management of Assessed Taxes and Land Tax transferred to the Commissioners for the Affairs of Taxes.

Commissioners for Affairs of Taxes may order Process to issue for Arrears of Taxes.

issued by the said Commissioners of His Majesty's Treasury, to grant, execute, and deliver any Disposition, Assignment, Conveyance, or other Deed whatever which may be necessary for divesting the said Barons of Exchequer of all Property, Heritable and Moveable, vested in them by or under any Act or Acts herein recited or referred to, or otherwise, not already transferred or authorized to be transferred or affected by the said last-recited Act of the Second and Third Year of the Reign of His present Majesty, and which they hold either in Property or in Security, for or in Name and Behalf of His Majesty, or of the Commissioners of His Majesty's Treasury, or otherwise for or in behalf of the Public, to and in favour of any Person or Persons to be nominated and appointed by the said Commissioners of His Majesty's Treasury for that Effect; and it shall be lawful to the said Barons of Exchequer, and they are hereby authorized and required, upon such Requisition by the said Commissioners of His Majesty's Treasury, to grant, execute, and deliver all such Dispositions, Assignations, Conveyances, or other Deeds whatsoever as shall be necessary to divest them of any such Heritable or Personal Property held by them as aforesaid, to and in favour of any Person or Persons to be nominated and appointed by the said Commissioners of His Majesty's Treasury as aforesaid; for the doing whereof this Act, and such Minute by the said Commissioners of His Majesty's Treasury, shall be full Warrant and Exoneration to the said Barons of Exchequer.

IV. And be it enacted, That from and after the passing of this Act the Execution of the said recited Acts, in relation to the Management and Collection of the Assessed Taxes and Land Tax of *Scotland*, shall be under the Management and Direction of the said Commissioners for the Affairs of Taxes for the Time being; and it shall be lawful for the said Commissioners to order and direct, in relation to the Division, or Union, or Arrangement of the several Counties, Stewartries, Cities, Burghs, and Districts in *Scotland*, for the Purpose of the Collection of the said Assessed Taxes and Land Tax respectively, and the surveying, assessing, levying, and collecting the same, to settling the Accounts of Collectors, and to all Fines, Penalties, and Forfeitures, and to Compositions and Allowances to Informers, due or payable or arising in relation thereto, and in all other Matters concerning the same, in such Manner and to the same Effect as the said Barons of the Court of Exchequer might have ordered and directed or allowed; and the several Collectors and other Persons now employed or hereafter to be employed under and in the Execution of the said recited Acts, in relation to the said Taxes, shall be subject to the Order, Controul, and Directions of the said Commissioners for the Affairs of Taxes, in all things relating thereto, in the same Manner as by the said recited Acts or any of them they were heretofore under the said Barons of Exchequer.

V. And be it enacted, That it shall be lawful for the said Commissioners for the Affairs of Taxes, or for the Comptroller of Taxes in *Scotland*, or any other Person to be authorized and appointed by the said Commissioners for the Affairs of Taxes, to order such Process to issue against any Person who shall be in arrear in the Payment of the Taxes due by him or her, or against any Collector or other Officer who shall be in arrear in the accounting for or paying any Sum or Sums collected by them respectively, or be otherwise

otherwise in default, or against the Surety or Sureties of such Collector or other Officer, in such and the like Manner and to the same Effect as by the said recited Acts in relation to the said Assessed Taxes and Land Tax is authorized and directed to issue for the Recovery of any Sum, Arrears, or Default due or committed under the said recited Acts or any of them.

VI. Provided always, and be it enacted, That the said Commissioners for the Affairs of Taxes shall in all things relating to the Execution of the Duty of the said Commissioners under this Act be subject to the Authority, Direction, and Controul of the said Lord High Treasurer and Commissioners of His Majesty's Treasury, and shall obey all such Orders and Instructions as shall have been or shall after the passing of this Act from Time to Time be issued to the said Commissioners in that Behalf by the Lord High Treasurer or any Three or more of the Commissioners of His Majesty's Treasury.

Commissioners for Affairs of Taxes to be subject to the Controul of the Commissioners of His Majesty's Treasury.

VII. And be it enacted, That all Commissions, Deputations, and Appointments granted to any Officers acting under the said recited Acts relating to the Assessed Taxes or the Land Tax in *Scotland*, at any Time before the passing of this Act, and in force at the passing of this Act, shall remain in full Force and Effect until the same shall be revoked or recalled; and the Persons holding the same shall continue to hold such respective Commissions, Deputations, and Appointments, and have full Power and Authority to execute the Duties of their respective Offices and Appointments, and to enforce all Laws, Regulations, Penalties, and Forfeitures relating to the Matters and Duties to which they shall have been appointed; and all Bonds which shall have been given by any such Officers respectively, and their Sureties respectively, and all Covenants, Deeds, and Engagements made or entered into by any such Officers respectively, relating to the said Taxes or other Matter or Thing under the Charge or Management of such Officers respectively, in virtue of the said recited Acts or any of them, shall remain in full Force and Effect according to the true Intent and Meaning thereof.

Existing Appointments to be good till recalled.

VIII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to repeal or alter any Act or Acts, or any Part of any Act or Acts, in force relating or having reference to the said Assessed Taxes and Land Tax in *Scotland* at the passing of this Act, or any other Act or Acts by this Act referred to or affected, excepting in so far as such Act or Acts is or are altered or repealed by this Act; nor shall any thing herein contained impair or affect, or be construed in any Manner to impair or affect, the legal Jurisdiction of His Majesty's Court of Exchequer in *Scotland*; and that all Debts, Duties, and Revenues, and all Fines, Penalties, and Forfeitures, which might have at the passing of this Act legally been sued for, prosecuted, and recovered in the said Court of Exchequer, according to the Practice of the said Court, shall continue to be sued for, prosecuted, and recovered in the said Court as heretofore; any thing in this Act to the contrary notwithstanding.

All the recited Acts to remain in force, excepting in so far as they are hereby altered or repealed.

Judicial Powers of the Barons of Exchequer specially saved.

IX. And be it enacted, That this Act may be amended, altered, or repealed by any Act or Acts to be passed during the present Session of Parliament.

Act may be altered.

CAP. XIV.

An Act to enable Depositors in Savings Banks, and others, to purchase Government Annuities through the Medium of Savings Banks; and to amend an Act of the Ninth Year of His late Majesty, to consolidate and amend the Laws relating to Savings Banks.

[10th June 1833.]

‘ WHEREAS an Act was passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled ‘ *An Act to consolidate and amend the Laws relating to Savings Banks*; and it is expedient to alter and amend the same, and also to enable Depositors in Savings Banks, and others, to lay out their Funds in the Purchase of immediate or deferred Life Annuities, as well as immediate or deferred Annuities for a certain Term of Years, and that Provisions should be made for carrying the said Measures into effect as herein-after expressed;’ be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twentieth Day of *May* in the Year of our Lord One thousand eight hundred and thirty-three, or as soon after as the Commissioners for the Reduction of the National Debt shall think fit, of which due Notice shall be given in the *London Gazette*, it shall and may be lawful for any Two Trustees or Managers of a Savings Bank legally established to receive from any Depositor in the said Savings Bank, or other Person whom the said Trustees or Managers shall think entitled to become a Depositor in a Savings Bank, any Sum or Sums of Money for the Purchase of immediate or deferred Life Annuities, or of immediate or deferred Annuities for a certain limited Term of Years; such Annuities to be contracted for by any Two of the said Trustees or Managers on behalf of the Commissioners for the Reduction of the National Debt, and to be charged and chargeable, and the said Annuities are hereby made chargeable, upon the Consolidated Fund of the United Kingdom, under the Limitations, Restrictions, and Regulations hereafter expressed; and all Sums of Money from Time to Time paid to the said Trustees or Managers on account of the Purchase of every such Annuity shall be kept separate, distinct, and apart from the other Funds of the Institution, and be from Time to Time, when received, paid into the Bank of *England* to the Account of the Commissioners for the Reduction of the National Debt; and the Cashiers of the Bank of *England* are hereby required to receive all such Monies, and to place the same to the Account of the said Commissioners, to be entitled “The Fund for purchasing Life Annuities, or Annuities for Terms of Years (*as the Case may be*), on the Account of Savings Banks and Parochial Societies;” and the said Commissioners shall in like Manner keep distinct and separate Accounts of all Monies so placed to the said Accounts, pursuant to the Provisions of this Act.

II. Provided always, and be it enacted, That no such Annuity or Annuities shall be contracted for by the said Trustees or Managers on behalf of the said Commissioners upon the Life of any Nominee,

9 G. 4. c. 92.

Trustees of Savings Banks may receive Money from Depositors, &c. for Purchase of Annuities.

Annuities to be contracted for by Two Trustees on behalf of Commissioners for Reduction of National Debt. Money paid to Trustees on account of Purchase of Annuity to be kept distinct, and paid to Account of Commissioners.

Annuities not to be granted on the Life of any Nominee

under the Provisions of this Act, who on the Day when the Contract for such Annuity or Annuities shall be made shall be under the Age of Fifteen Years; neither shall any such Annuity or Annuities sold or granted to or possessed by any One Individual exceed in the whole the Sum of Twenty Pounds, nor less than Four Pounds *per Annum*: Provided also, that it shall be lawful for the said Trustees or Managers, or Commissioners, or the Comptroller General or Assistant Comptroller acting under the said Commissioners, to decline or refuse to contract for, sell, or grant any Annuity, under the Provisions of this Act, in any Case where there shall be, in the Opinion of the said Trustees or Managers, or of the said Commissioners, or of the said Comptroller General or Assistant Comptroller, sufficient Grounds for refusing or declining so to do: Provided also, that if any One Individual shall have or hold or be possessed at any One Time of any Annuity or Annuities granted under the Provisions of this Act exceeding in the whole the Sum of Twenty Pounds *per Annum*, the said Annuity or Annuities shall immediately cease and be forfeited.

under Fifteen Years of Age, nor to exceed 20*l.* per Annum.

Commissioners, &c. may decline to contract for any Annuity.

III. And be it further enacted, That it shall not be lawful for the said Trustees or Managers to take, demand, or receive from any Person applying to enter into any Contract for the Purchase of such Annuity as aforesaid, for Admission Fee or otherwise, a greater Sum of Money than Two Shillings and Sixpence, nor from any Person who may have entered into any such Contract a greater Sum annually than the Sum of One Shilling, which said several Sums the said Trustees are hereby authorized and empowered to charge and demand of and from such Persons as aforesaid; and that the Money arising from such Fees and Payments shall be applied towards defraying the necessary Expences incurred by the said Trustees or Managers in carrying into execution the Provisions of this Act with respect to the contracting for, granting, and paying such Annuities.

Amount of Fee to be taken on Application for Annuity to be limited to 2*s.* 6*d.*, and to be applied in defraying the necessary Expences of Trustees.

IV. And be it further enacted, That it shall and may be lawful for any Person, having contracted for the Purchase of any such Annuity as aforesaid, with the Consent of the Commissioners for the Reduction of the National Debt, or the Comptroller General or Assistant Comptroller acting under them, to make the annual or other Payments, or to receive the said Annuity so contracted for as aforesaid, through the Hands of the Trustees or Managers of any other Savings Bank or Society (herein-after mentioned) than that at which such Person originally entered into such Contract as aforesaid.

Payments may be made and Annuities received at other Savings Banks, &c. than that at which the Contract was originally entered into.

V. And be it further enacted, That for the better carrying this Act into execution it shall and may be lawful for the Commissioners of His Majesty's Treasury, or any Three or more of them, from Time to Time as they shall think fit, to direct the Commissioners for the Reduction of the National Debt to use and adopt such Tables as shall from Time to Time be authorized and approved of by the said Commissioners of the Treasury, or any Three or more of them, for ascertaining the Values of Annuities, whether immediate or deferred, depending on the Continuance of single Lives, and also such Tables of the Values of Annuities for a certain limited Term of Years, immediate or deferred, as may be granted according to the Provisions of this Act; and such respective Tables shall

Treasury shall direct Use of Tables of the Value of Annuities as approved by them.

be valid and effectual for the Purposes of this Act; and all Annuities for Lives or Years, of whatsoever Kind, to be purchased under the Provisions of this Act, shall be purchased according to the Values stated in such Tables respectively so long as the same shall remain in force; and it shall be lawful for, the said Commissioners of the Treasury to alter, revoke, and recall all or any of the said Tables from Time to Time, and to direct the Use and Adoption of such other Tables in lieu thereof as shall be approved of by the said Commissioners of the Treasury, and also to discontinue, by any Warrant under their Hands, addressed to the said Commissioners for the Reduction of the National Debt (of which the said last-mentioned Commissioners shall give Notice in the *London Gazette*), the granting of any Annuities for Lives or Years under the Provisions of this Act, if they shall think it fit and expedient so to do: Provided always, that the said Commissioners for the Reduction of the National Debt shall, previous to the Adoption and using of any such Tables respectively, give Notice from Time to Time in the *London Gazette*, in such Form and Manner as to the said Commissioners for the Reduction of the National Debt shall seem fit and proper, that such Tables have been authorized and approved by the said Commissioners of the Treasury.

Purchasers of Annuities for Lives or for Years shall be entitled to such Amount of Annuity as shall be specified in the Tables.

VI. And be it further enacted, That in every Case when any Sum of Money shall be paid as the Consideration for the Purchase of any Annuity for Lives or Years, of whatsoever Kind, under the Provisions of this Act, the Person or Persons purchasing any such Annuity for Lives or Years, upon the Payment of such Sum of Money to the said Trustees or Managers, and by the said Trustees paid into the Bank of *England* to the Account of the said Commissioners, entitled, "The Fund for purchasing Life Annuities or Annuities for Terms of Years on account of Savings Banks and Parochial Societies," shall for every Sum of Money paid be entitled to receive, during the Continuance of the single Life of the Nominee, whether such Life Annuity shall be immediate or deferred, or during the Term of Years, immediate or deferred, for which any Annuity shall be granted under this Act, an Annuity for a Life or for Terms of Years, as the Case may be, of such annual Amount as shall be specified in any such Table or Tables respectively as the Commissioners of His Majesty's Treasury, or any Three or more of them, shall from Time to Time authorize and approve, in manner herein-before directed, to be calculated and ascertained according to the Age of the Nominee, or the Continuance of the Term of Years respectively, as the Case may be.

Preventing Fractions.

VII. And be it further enacted, That in every Case where the Calculation of the Amount of any Annuity according to the Provisions of this Act shall produce a Fraction less than Sixpence, the fractional Part of the said Annuity less than Sixpence shall be taken from the Amount thereof, and shall not be payable by the Officer of the said Commissioners for the Reduction of the National Debt.

Life Annuities granted under this Act shall be carried to a separate Account, as also Annuities for Years.

VIII. And be it further enacted, That all Life Annuities, of whatsoever Kind, which shall be purchased and granted under the Provisions of this Act (whether such Life Annuities shall commence immediately or not), shall, in their due Course as the same shall fall due and become payable, be carried to a new and separate Account in the Books of the said Commissioners for the Reduction of the National

National Debt; and all Annuities for Terms of Years which shall be purchased and granted under this Act shall in like Manner be carried to a new and separate Account in the Books of the said Commissioners.

IX. And be it further enacted, That whenever Proof of the Age of any Nominee shall have been produced under the Provisions of this Act, as herein-after directed, any Person or Persons who shall be desirous of purchasing any Annuity or Annuities, whether such Annuity shall depend upon the Life of such Person or not (the total Amount of such Annuities not exceeding the Sum herein-before mentioned), on the Life of such Nominee (whether such Life Annuities shall have been originally contracted for to commence immediately or not), shall be at liberty so to do; and the original Proof of the Age of such Nominee, produced at the Time of the Purchase of the first Annuity upon the Life of such Nominee, shall be deemed sufficient for that Purpose, without the Production of any further Proof of Age.

Life Annuitants may make further Purchases on Lives of original Nominees without fresh Certificates.

X. And be it further enacted, That for the Purpose of ascertaining from Time to Time the Amount of Annuities for Lives or for Terms of Years payable under the Authority of this Act, the said Comptroller General or Assistant Comptroller acting under the said Commissioners shall, within Fourteen Days preceding the Fifth Day of *July*, the Tenth Day of *October*, the Fifth Day of *January*, and the Fifth Day of *April* in each and every Year (commencing on the Tenth Day of *October* One thousand eight hundred and thirty-three), certify to the Commissioners of His Majesty's Treasury the Amount of Annuities for Lives and of Annuities for Terms of Years payable under this Act, the half-yearly Payments of which shall from Time to Time be chargeable upon the said Consolidated Fund on each of such Days respectively; and the said Commissioners of the Treasury, or any Three or more of them, shall thereupon order and direct, by Warrant under their Hands, the Sum specified from Time to Time in every such Certificate to be issued and paid out of the said Consolidated Fund from Time to Time to the Governor and Company of the Bank of *England*, to be by them placed to the Account of the said Commissioners for the Reduction of the National Debt, for the Purposes of paying all such Annuities respectively.

Amount of Annuities from Time to Time payable shall be certified to the Treasury, who shall issue their Warrant to the Bank for Payment thereof out of the Consolidated Fund.

XI. And be it further enacted, That all Annuities for Lives or Years, of whatsoever Kind, which shall be purchased under the Provisions of this Act, shall be payable by Two equal half-yearly Payments, to be respectively made on the Fifth Day of *January* and on the Fifth Day of *July*, or on the Fifth Day of *April* and the Tenth Day of *October*, in each and every Year, according to the respective Periods, as herein-after mentioned, within which any Money shall be paid for the Purchase of any such Annuities for Life or Years, of whatsoever Kind respectively; and the first half-yearly Payment of every such Annuity so purchased shall be made at the Times following; (that is to say,) on the Fifth Day of *January*, in respect of all such Purchases completed by the actual Payment of Money into the Bank of *England* to the Account of the said Commissioners herein-after mentioned at any Time during the Quarter ending on the Tenth Day of *October* preceding such Fifth Day of *January*; on the Fifth Day of *April*, in respect of all

Time of Payment of Annuities granted under this Act.

Quarterly Payment on Death of Nominee of Life Annuities.

Proviso as to deferred Annuities.

Bargains for Annuities not to be made for Fourteen Days after the Quarterly Day of Payment.

Contracts for Annuities to be sanctioned by Commissioners for Reduction of National Debt before they are entered into.

such Purchases so completed at any Time during the Quarter ending on the Fifth Day of *January* preceding the Fifth Day of *April*; on the Fifth Day of *July*, in respect of all such Purchases so completed at any Time during the Quarter ending the Fifth Day of *April* preceding such Fifth Day of *July*; and on the Tenth Day of *October*, in respect of all such Purchases so completed at any Time during the Quarter ending on the Fifth Day of *July* preceding such Tenth Day of *October*; and all future half-yearly Payments of every such Annuity shall be made with reference to the Time of such half-yearly Payment: Provided always, that upon the Death of any Nominee in respect of any Life Annuity, a Sum equal to One Fourth Part of the Annuity depending upon the Life of such Nominee (over and above all half-yearly Arrears thereof respectively) shall be payable to the Person or Persons entitled to such Annuity, or his, her, or their Executors or Administrators, (as the Case may be,) on the half-yearly Days of Payment next succeeding the Production of Proof to the said Trustees, and by them to the said Commissioners, certifying the Death of such Nominee; provided that such Proof shall be produced to the said Commissioners within Thirty Days next preceding the Fifth Day of *January*, Fifth Day of *April*, Fifth Day of *July*, and Tenth Day of *October* respectively in every Year, and that such last-mentioned Payment shall be claimed within Two Years after the Death of such Nominee, but not otherwise: Provided also, that the Fourth Part of any expired Life Annuity payable under the Provisions of this Act shall not be payable or be paid upon or in respect of any deferred Life Annuity, unless One half-yearly Payment of such deferred Life Annuity shall have been actually paid or become due at the Time of the Decease of such Nominee.

XII. And be it further enacted, That for the Space of Fourteen Days next after any of the said Quarterly Days for Payment of the said Annuities respectively, no Bargain or Contract shall be made by the said Trustees or Managers on behalf of the said Commissioners for the Reduction of the National Debt, for the Grant or Purchase of any Annuity under this Act; any thing herein before contained to the contrary in anywise notwithstanding.

XIII. And be it further enacted, That all Contracts for Life Annuities or Annuities for a limited Term of Years, whether immediate or deferred, which shall be entered into by the Trustees or Managers of any Savings Bank, or by the Trustees or Managers of any Society in any Parish or Place authorized by this Act to contract for the same, shall in each and every Case be deemed and taken to be Contracts made by the said Trustees or Managers on behalf of the Commissioners for the Reduction of the National Debt: Provided always, that no Life Annuity shall be permitted to be contracted for, nor shall any Payment of any Life Annuity be made, under the Provisions of this Act, until Proof of the Age of the Person proposed to be nominated, and until Proof of the Existence and Identity of the respective Nominees upon whose Life the Payment of any Annuity shall be demanded, shall have been previously submitted to and approved of by the said Commissioners, or by the Comptroller General or Assistant Comptroller acting under the said Commissioners; and the said Annuities for Lives and for Terms of Years shall be placed under the same Regulations as are contained in

in the Acts now in force for enabling the said Commissioners to grant Life Annuities and Annuities for Terms of Years, so far as the same can be made applicable thereto, save and except that no Charge by way of Commission shall be made by the said Commissioners at any Time on any Sum of Money which shall be paid by any Person for the Purchase of any Annuities under the Provisions of this Act, and also according to such Instructions and Regulations as the said Commissioners, or the said Comptroller General or Assistant Comptroller, shall from Time to Time issue and direct for carrying into effect the Provisions of this Act; and all the Provisions, Penalties, and Forfeitures in the said last-mentioned Acts contained shall apply and be in force with regard to any and all Annuities granted under this Act in the same Manner as though the same were expressly enacted herein, except so far as the same shall be altered or varied by this Act.

XIV. And be it further enacted, That upon the Production to the proper Officer of the said Commissioners for the Reduction of the National Debt of Proof of the Existence and Identity of the respective Nominees, as herein-before enacted, and upon the same being approved by such Officer, it shall be lawful for any Two Trustees of the Savings Bank wherein such respective Nominees shall be registered, and also for any Two Trustees of any Society duly established in any Parish under this Act, to draw upon the said Commissioners for the half-yearly Payment of the several Annuities then due upon the Lives of such Nominees respectively; and such Officer shall and he is hereby required to pay to the said Trustees as aforesaid, or their respective Agents, now appointed or hereafter to be appointed, within Five Days after the Production of such Draft, the several half-yearly Payments then due.

On Production of Proof of Existence, &c., Certificate shall be granted for Payment of Annuity for Life.

XV. And be it further enacted, That in all Cases of Annuities for Terms of Years it shall be lawful for the said Trustees, as herein-before mentioned, to draw upon the said Commissioners for the half-yearly Payment of the several last-mentioned Annuities then due; and the said Officer shall and he is hereby required to pay to the said Trustees or their respective Agents, now appointed or hereafter duly appointed, within Five Days after the Draft is presented, the several half-yearly Payments then due.

Annuities for Terms of Years to be paid without Proof.

XVI. And be it further enacted, That the Right, Title, Interest, and Benefit in and to any Annuity, of whatsoever Kind, whether such Annuity shall be immediate or deferred, which may be purchased under the Provisions of this Act, shall not be transferrable or assignable by the Purchaser thereof so as to enable the Assignee to receive the same during the Lifetime of the said Purchaser, except in case of his or her Insolvency or Bankruptcy, when the same shall become the Property of his or her Assignee or Assignees for the Benefit of his or her Creditors, and the same shall, in such Case, after due Notice of such Insolvency or Bankruptcy, be paid to such Assignee or Assignees aforesaid; and in case of any such Bankruptcy or Insolvency, the said Commissioners for the Reduction of the National Debt shall repurchase the said Annuity according to the Value thereof, the same being computed upon the same Tables upon which the said Annuity was originally purchased; and the Receipt of the Assignee or Assignees shall be a sufficient Discharge to the said Commissioners.

Annuities granted under this Act not transferrable, except in case of Bankruptcy or Insolvency.

As to the Liability of Annuities to Taxes. Annuities shall be Personal Estate.

If annual Payments are not kept up, or if Party die before Annuity commences, all Payments to be returned.

Registers, Receipts, &c. exempt from Stamp Duty.

Appointment of Clerks and Officers.

For defraying Expenses attending the Execution of this Act.

XVII. And be it further enacted, That Life Annuities and Annuities for Terms of Years, purchased under the Provisions of this Act, shall not be subject or liable to any Taxes, Charges, or Impositions whatever; and that all such Annuities shall be deemed Personal Estate, and in all Cases where the same shall not depend upon the Life of the Person entitled thereto shall go to the Executors or Administrators of such Person as Personal Estate, and shall not be descendible to the Heirs.

XVIII. Provided always, and be it enacted, That whenever it shall happen that any Person, having made any One or more annual Payment or Payments, in Cases where the Consideration for any deferred Life Annuity or Annuity for Terms of Years shall be by annual Payments for or in the Purchase of any deferred Annuity under this Act, or their respective Executors or Administrators, shall make default in paying or continuing to make the Residue of such annual Payments until the whole Consideration for any such Life Annuity or Annuity for Terms of Years shall be fully paid according to the Agreement for the same, or in case the Person so contracting for such Life Annuity or Annuity for Terms of Years should die previous to the said Annuity becoming payable, then and in every such Case the Amount of all annual Payments which shall have been actually made previous to such Default shall be returned, exclusive of Interest, to the said Person so making default as aforesaid; or in case of the Death of the Party having entered into such Contract as herein-before mentioned, the annual or other Payment or Payments which shall have been actually made previous to his Death shall be paid, exclusive of Interest, to his Executors or Administrators; and that the Money so returned shall be charged, paid, and defrayed out of the Monies standing in the Names of the Commissioners for the Reduction of the National Debt at the Bank of *England*, under the Provisions of this Act.

XIX. And be it further enacted, That no Stamp Duty whatever shall be paid or payable upon or in respect of any Copy of any Register of the Birth or Baptism or Marriage or Burial of any Nominee or other Person, or upon or in respect of any Certificate or Declaration to be made or taken in pursuance of this Act, or any Certificate or other Instrument whatsoever respecting the Payment of Money for the Purchase of any Annuity under this Act, or any Power of Attorney authorizing the Receipt, or any Receipt for the Payment of any such Annuity or any Part thereof, but that the same shall be respectively free from all Stamp Duties whatsoever, any thing in any Act or Acts to the contrary notwithstanding.

XX. And be it further enacted, That it shall be lawful for the Commissioners for the Reduction of the National Debt, and they are hereby authorized and empowered, from Time to Time to appoint such Officers, Clerks, and other Persons as may be necessary for carrying this Act into execution, and as may be approved of by the Commissioners of His Majesty's Treasury.

XXI. And be it further enacted, That it shall be lawful for the Lord High Treasurer, or the Commissioners of His Majesty's Treasury, or any Three or more of them, for the Time being, to order and direct to be issued and paid, out of the Fund upon which the Establishment of the Commissioners for the Reduction of the National Debt is chargeable, any Sum or Sums of Money for the Payment of Salaries

Salaries to Officers and Clerks acting in the Execution of this Act, in such Manner as the said Lord High Treasurer, or Commissioners of the Treasury, or any Three or more of them, shall from Time to Time think fit and reasonable: Provided always, that any incidental Expences incurred by the said Commissioners for the Reduction of the National Debt in carrying into execution this Act, or the said Act made and passed in the Ninth Year of the Reign of King George the Fourth, intituled *An Act to consolidate and amend the Laws relating to Savings Banks*, or the Act made and passed in the Tenth Year of the Reign of King George the Fourth, intituled *An Act to consolidate and amend the Laws relating to Friendly Societies*, shall and may be defrayed by the Commissioners for the Reduction of the National Debt out of any Monies, Stocks, or Funds standing in the Names of the said Commissioners at the Bank of England.

9 G. 4. c. 92.

10 G. 4. c. 56.

XXII. And be it further enacted, That it shall be lawful for any Three or more of the Commissioners for the Reduction of the National Debt for the Time being to execute and do all Matters and Things which the said Commissioners are required or empowered to do for the Execution of this Act.

Quorum of Commissioners.

XXIII. And be it further enacted, That there shall be prepared and annually laid before both Houses of Parliament, on or before the Twenty-fifth Day of *March* in every Year if Parliament shall be then sitting, and if Parliament shall not be then sitting, then within Fourteen Days after the Commencement of the then next Session of Parliament, an Account, made up by the Commissioners for the Reduction of the National Debt to the Fifth Day of *January* preceding, of the gross Amount of all Sums of Money paid to the said Commissioners, and the gross Amount of Annuities for Lives and for Terms of Years which shall have been granted for the same, under the Provisions of this Act, within the Year ending on the Fifth Day of *January* as aforesaid.

Account to be annually laid before Parliament of Annuities granted, and of Money paid for Annuities.

XXIV. And be it further enacted, That the said Commissioners for the Reduction of the National Debt shall cause all Monies placed to their said Accounts in pursuance of the Provisions of this Act to be invested from Time to Time, under such Regulations as the said Commissioners shall direct, in the Purchase of any Bank Annuities, or Annuities for Terms of Years, or Exchequer Bills, or in either of them, and to be carried to the Accounts herein-before provided; which said Bank Annuities and Exchequer Bills (as the Case may be) shall be forthwith cancelled, and all Interest or Dividends on such Bank Annuities shall cease to be charged upon or to be issued out of the Consolidated Fund from and after the Day upon which any such Bank Annuities shall have been purchased by the said Commissioners: Provided nevertheless, that it shall and may be lawful for the said Commissioners for the Reduction of the National Debt to retain and reserve from Time to Time so much of such Monies as they shall deem expedient for the Purpose of enabling the said Commissioners to return and pay back any Sum or Sums of Money, as herein-before directed, to such Person or Persons who shall have contracted for the Purchase of any Annuity under the Provisions of this Act, by annual or other Payments, but who, from Death or otherwise, may not be enabled to make good and keep up the same, or to his, her, or their

Monies paid to Commissioners on account of this Act to be invested in Bank Annuities for Term of Years, or Exchequer Bills, which shall be cancelled.

Commissioners may reserve a Part of such Sums to repay Money claimed in case of Death, &c. of Party purchasing Annuity.

Executors or Administrators, as well as to the Executors or Administrators of such Person or Persons who may die before the Annuity which he, she, or they may have contracted for becomes payable.

Commissioners may sell and dispose of Bank Annuities, &c. now standing in their Names, pursuant to 9 G. 4. c. 92. and 10 G. 4. c. 56, and purchase other Bank Annuities, &c. in lieu thereof.

XXV. And be it further enacted, That it shall be lawful for the said Commissioners for the Reduction of the National Debt from Time to Time, and as they shall think fit, to sell and dispose of the Bank Annuities and Exchequer Bills, or any Part thereof, which may be now standing or may hereafter stand in their Names in the Books of the Bank of *England*, in pursuance of the said Act made and passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act to consolidate and amend the Laws relating to Savings Banks*, and of the said Act made and passed in the Tenth Year of the Reign of His said late Majesty *George* the Fourth, intituled *An Act to consolidate and amend the Laws relating to Friendly Societies*, and with the Proceeds thereof to purchase in lieu thereof any other Description of Bank Annuities, or Annuities for Terms of Years, or Exchequer Bills.

Trustees may make Rules for carrying the Provisions of this Act into execution.

XXVI. And be it further enacted, That it shall and may be lawful for the Trustees and Managers of any Savings Bank, desirous of carrying the Provisions of this Act into execution, to frame Rules and Regulations for that Purpose; and that all the Provisions of the said Act, made and passed in the Ninth Year of the Reign of His said late Majesty King *George* the Fourth, as relate to the framing, enrolling, and altering Rules of Savings Banks, as well as to Disputes between the said Trustees or Managers and Depositors therein, shall be applicable to the Rules and Regulations to be made under the Provisions of this Act, and to the Parties purchasing such Annuities, as herein mentioned; and that for the Purposes of this Act every Person purchasing an Annuity through the Medium of a Savings Bank shall be considered as a Depositor in a Savings Bank.

Where no Savings Bank is legally established, other Trustees may establish a Society for the Purpose of granting Annuities.

Provisions of 9 G. 4. c. 92. applicable to any Society formed under this Act.

XXVII. And be it further enacted, That in any Parish or Place in the United Kingdom where no Savings Bank is legally established under the Provisions of the said Act herein-before mentioned, it shall and may be lawful to and for any Persons in such Parish or Place to establish a Society for carrying the Provisions of this Act into execution; provided that the Rector or Vicar or Minister of the Parish, or Elder for the Time being, or a resident Justice of the Peace, shall be One of the Trustees of such Society; and provided also, that all the Provisions of the said last-mentioned Act and of this Act, in as far as the same can or may be applicable, shall apply to the Trustees and Managers of any such Society to be formed for the Purposes of this Act, and to the Parties purchasing such Annuities as herein mentioned, and to the Rules and Regulations to be made for carrying the same into effect.

Executors, &c. of Officers of Savings Banks to pay Money due to Savings Banks before any other Debts.

XXVIII. And be it further enacted, That if any Person already appointed under the Provisions of the said Act made and passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, or who may hereafter be appointed to any Office in a Savings Bank, or in a Society established under this Act, and being entrusted with the keeping of the Accounts, or having in his Hands or Possession, by virtue of his said Office or Employment, any Monies or Effects belonging to such Savings Bank or Society,

or

or any Deeds or Securities relating to the same, shall die, or become a Bankrupt or Insolvent, or have any Execution or Attachment or other Process issued against his Lands, Goods, Chattels, or Effects, or make any Assignment thereof for the Benefit of his Creditors, his Executors, Administrators, or Assignees, or other Persons having legal Right, or the Sheriff or other Officer executing such Process, shall, within Forty Days after Demand made by Two of the Trustees of the said Savings Bank or Society as aforesaid, deliver and pay over all Monies and other Things belonging to such Savings Bank or Society to such Person as the said Trustees shall appoint, and shall pay out of the Estates, Assets, or Effects of such Person all Sums of Money remaining due which such Person received by virtue of his said Office or Employment, before any other of his Debts are paid or satisfied, or before the Money directed to be levied by such Process as aforesaid is paid over to the Party issuing such Process; and all such Assets, Lands, Goods, Chattels, Estates, and Effects shall be bound to the Payment and Discharge thereof accordingly.

XXIX. And be it further enacted, That from and after the Twentieth Day of *November* in the Year of our Lord One thousand eight hundred and thirty-three so much of the said Act, made and passed in the Ninth Year of the Reign of King *George* the Fourth, as relates to Depositors withdrawing their Deposits, and re-depositing the same, provided the Sum invested does not in any One Year exceed Thirty Pounds additional Principal Money, shall be and the same is hereby repealed; and that no Money, whether such Money shall have been previously withdrawn from such Savings Banks or not, shall at any Time be received by the Trustees or Managers from any Depositor which shall in any One Year, ending on the Twentieth Day of *November*, exceed the Sum of Thirty Pounds.

XXX. And be it further enacted, That if the annual Statements directed by the said Act passed in the Ninth Year of His late Majesty King *George* the Fourth to be prepared and transmitted by the Trustees of a Savings Bank shall not be prepared and transmitted to the Commissioners for the Reduction of the National Debt within the Time limited by the said Act, it shall and may be lawful for the said Commissioners, or for the Comptroller General or Assistant Comptroller acting under the said Commissioners, and they and he is and are hereby severally required, forthwith to publish in the *London Gazette*, and also in any Newspapers published in the County in which the Savings Bank is established, the Name of every such Savings Bank so neglecting or making default in transmitting such annual Statement as aforesaid, in such Form and Words, for the Information of the Depositors, and under such Regulations, as the said Commissioners or the said Comptroller General or Assistant Comptroller shall from Time to Time think fit.

XXXI. And be it further enacted, That it shall and may be lawful for the Commissioners for the Reduction of the National Debt, or the Comptroller General or Assistant Comptroller acting under the said Commissioners, if they or he shall think fit, to require from Time to Time of and from the Trustees or Managers of any Savings Bank a detailed Statement of all the Expences whatever incurred by the said Trustees or Managers in the Management or otherwise of the said Savings Bank.

So much of 9 G. 4. c. 92. as relates to withdrawing Deposits and re-depositing repealed.

No Money exceeding 30*l.* to be deposited in any One Year.

If annual Returns are not made pursuant to 9 G. 4. c. 92. s. 46., Name of Savings Bank to be published in Gazette.

Statement of Expences may be required from Trustees or Managers.

XXXII. And

When Money is in the Hands of a Treasurer, his Certificate to accompany the Statement.

Re-enrollment of Rules not necessary.

9 G. 4. c. 92. and this Act extended to Guernsey, &c.

Limits of the Act.

XXXII. And be it further enacted, That whenever it shall appear in any annual Statement that any Sum of Money of or belonging to a Savings Bank is in the Hands of any Treasurer or other Person, the said annual Statement shall be accompanied with a Certificate, signed by such Treasurer or other Person, that the Sum of Money therein mentioned is in his Possession.

XXXIII. Provided always, and it is hereby enacted, That nothing contained in this Act respecting Savings Banks shall render it necessary to have the Rules and Regulations of Savings Banks again enrolled, if the same have been before enrolled according to Law.

XXXIV. And be it further enacted, That the Provisions of the said Act made and passed in the Ninth Year of His late Majesty King George the Fourth, and of this Act, shall extend to all Savings Banks established or hereafter to be established in the Islands of *Guernsey* and *Jersey* and *Isle of Man*.

XXXV. And be it further enacted, That this Act shall extend to *Great Britain* and *Ireland* and *Berwick-upon-Tweed*, and the Islands of *Guernsey* and *Jersey* and *Isle of Man*.

CAP. XV.

An Act to amend the Laws relating to Dramatic Literary Property. [10th June 1833.]

54 G. 8. c. 156.

The Author of any Dramatic Piece shall have as his Property the sole Liberty of representing it or causing it to be represented at any Place of Dramatic Entertainment.

‘ WHEREAS by an Act passed in the Fifty-fourth Year of the Reign of His late Majesty King George the Third, intituled *An Act to amend the several Acts for the Encouragement of Learning, by securing the Copies and Copyright of printed Books to the Authors of such Books, or their Assigns*, it was amongst other things provided and enacted, that from and after the passing of the said Act the Author of any Book, or Books composed, and not printed or published, or which should thereafter be composed and printed and published, and his Assignee or Assigns, should have the sole Liberty of printing and re-printing such Book or Books for the full Term of Twenty-eight Years, to commence from the Day of first publishing the same, and also, if the Author should be living at the End of that Period, for the Residue of his natural Life: And whereas it is expedient to extend the Provisions of the said Act;’ be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the Author of any Tragedy, Comedy, Play, Opera, Farce, or any other Dramatic Piece or Entertainment, composed, and not printed and published by the Author thereof or his Assignee, or which hereafter shall be composed, and not printed or published by the Author thereof or his Assignee, or the Assignee of such Author, shall have as his own Property the sole Liberty of representing, or causing to be represented, at any Place or Places of Dramatic Entertainment whatsoever, in any Part of the United Kingdom of *Great Britain* and *Ireland*, in the *Isles of Man*, *Jersey*, and *Guernsey*, or in any Part of the *British* Dominions, any such Production as aforesaid, not printed and published by the Author thereof or his Assignee, and shall be deemed and taken to

be the Proprietor thereof; and that the Author of any such Production, printed and published within Ten Years before the passing of this Act by the Author thereof or his Assignee, or which shall hereafter be so printed and published, or the Assignee of such Author, shall, from the Time of passing this Act, or from the Time of such Publication respectively, until the End of Twenty-eight Years from the Day of such first Publication of the same, and also, if the Author or Authors, or the Survivor of the Authors, shall be living at the End of that Period, during the Residue of his natural Life, have as his own Property the sole Liberty of representing, or causing to be represented, the same at any such Place of Dramatic Entertainment as aforesaid, and shall be deemed and taken to be the Proprietor thereof: Provided nevertheless, that nothing in this Act contained shall prejudice, alter, or affect the Right or Authority of any Person to represent or cause to be represented, at any Place or Places of Dramatic Entertainment whatsoever, any such Production as aforesaid, in all Cases in which the Author thereof or his Assignee shall, previously to the passing of this Act, have given his Consent to or authorized such Representation, but that such sole Liberty of the Author or his Assignee shall be subject to such Right or Authority.

Proviso as to Cases where, previous to the passing of this Act, a Consent has been given.

II. And be it further enacted, That if any Person shall, during the Continuance of such sole Liberty as aforesaid, contrary to the Intent of this Act, or Right of the Author or his Assignee, represent, or cause to be represented, without the Consent in Writing of the Author or other Proprietor first had and obtained, at any Place of Dramatic Entertainment within the Limits aforesaid, any such Production as aforesaid, or any Part thereof, every such Offender shall be liable for each and every such Representation to the Payment of an Amount not less than Forty Shillings, or to the full Amount of the Benefit or Advantage arising from such Representation, or the Injury or Loss sustained by the Plaintiff therefrom, whichever shall be the greater Damages, to the Author or other Proprietor of such Production so represented contrary to the true Intent and Meaning of this Act, to be recovered, together with Double Costs of Suit, by such Author or other Proprietors, in any Court having Jurisdiction in such Cases in that Part of the said United Kingdom or of the *British* Dominions in which the Offence shall be committed; and in every such Proceeding where the sole Liberty of such Author or his Assignee as aforesaid shall be subject to such Right or Authority as aforesaid, it shall be sufficient for the Plaintiff to state that he has such sole Liberty, without stating the same to be subject to such Right or Authority, or otherwise mentioning the same.

Penalty on Persons performing Pieces contrary to this Act.

III. Provided nevertheless, and be it further enacted, That all Actions or Proceedings for any Offence or Injury that shall be committed against this Act shall be brought, sued, and commenced within Twelve Calendar Months next after such Offence committed, or else the same shall be void and of no effect.

Limitation of Actions.

IV. And be it further enacted, That whenever Authors, Persons, Offenders, or others are spoken of in this Act in the Singular Number or in the Masculine Gender, the same shall extend to any Number of Persons and to either Sex.

Explanation of Words.

CAP. XVI.

An Act to repeal the Duties, Allowances, and Drawbacks of Excise on Soap, and to grant other Duties, Allowances, and Drawbacks, in lieu thereof.

[10th June 1833.]

‘ WHEREAS it is expedient that the Duties, Allowances, and Drawbacks now payable in respect of all Soap made in Great Britain, and of Soap brought from Ireland into Great Britain, should be repealed, and that other Duties should be imposed and other Drawbacks granted in lieu thereof:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Thirty-first Day of May One thousand eight hundred and thirty-three all and singular the Duties and Allowances of Excise now payable on Soap made in Great Britain, and on Soap brought from Ireland into Great Britain, except as such Duties are herein-after continued on Soap brought from Ireland, and all Drawbacks of Excise on Soap exported to Foreign Parts, or removed from Great Britain into Ireland, shall cease and determine and be no longer paid or payable: Provided always, that any of the said Duties which may have been charged on or before the said Thirty-first Day of May One thousand eight hundred and thirty-three, and any Arrear thereof, and all Allowances on any Soap which shall have been used, employed, or consumed on or before the said Thirty-first Day of May One thousand eight hundred and thirty-three, in Great Britain, in the making of any Cloths, Serges, Kerseys, Baize, Stockings, or other Manufactures of Sheep’s or Lambs Wool only, or Manufactures whereof the greatest Part of the Value of the Materials shall be Wool, or in the finishing of the said Manufactures, or preparing the Wool for the same, or in the whitening of new Linen in the Piece for Sale, or in preparing and finishing any Manufactures from Flax or Cotton for Sale, or in the Process of throwing, printing, or dyeing of Silk, and the Payment of any Drawback which shall be payable in respect of the Exportation or Removal of any Soap on or before the said Thirty-first Day of May One thousand eight hundred and thirty-three, shall and may be sued for, levied, recovered, and paid as if the said Duties, Allowances, and Drawbacks had not been repealed.

II. And be it further enacted, That from and after the said Thirty-first Day of May One thousand eight hundred and thirty-three, in lieu and instead of the Duties by this Act repealed, there shall be raised, levied, collected, and paid un to His Majesty, His Heirs and Successors, the several Rates and Duties of Excise herein-after mentioned; (that is to say,) for every Pound Weight Avoirdupois of all Hard Soap which shall be made in Great Britain, to be paid by the Maker thereof, a Duty of One Penny Halfpenny; for every Pound Weight Avoirdupois of all Hard Soap which shall be brought from Ireland into Great Britain, to be paid by the Importer thereof, a Duty of One Penny Halfpenny; for every Pound Weight of all Soft Soap which shall be made in Great Britain, or which shall be brought from Ireland into Great Britain, to be paid by the

Duties and Allowances of Excise on Soap made in Great Britain or brought from Ireland to cease, except as herein after continued.

Proviso for Recovery of Duties, &c. charged before 31st May.

Duties to be levied, and Drawbacks to be allowed, after the 31st of May.

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the Maker or Importer thereof respectively, a Duty of One Penny; and that from and after the said Thirty-first Day of *May* One thousand eight hundred and thirty-three there shall be granted and paid, for every Pound Weight of all Hard Soap for which the Duty in respect thereof shall have been paid, and which shall be exported as Merchandize from *Great Britain* to Foreign Parts, or which shall be shipped as Stores of any Vessel entitled to ship Goods as Stores Duty-free, or which shall be removed from *Great Britain* into *Ireland*, a Drawback of One Penny Halfpenny; for every Pound Weight of all Soft Soap which shall be so exported, shipped, or removed, a Drawback of One Penny; and that from and after the said Thirty-first Day of *May* One thousand eight hundred and thirty-three, and until the End of the Session of Parliament next after the Thirty-first Day of *May* One thousand eight hundred and thirty-five, there shall be granted and allowed, on all Soap used, employed, or consumed in *Great Britain* in the making of any Cloths, Serges, Kerseys, Baize, Stockings, or other Manufactures of Sheep or Lambs Wool only, or Manufactures whereof the greatest Part of the Value of the Materials shall be Wool, or in the finishing of the said Manufactures, or preparing the Wool for the same, or in the whitening of new Linen in the Piece for Sale, or in preparing and finishing any Manufactures from Flax or Cotton for Sale, or in the Process of throwing, printing, or dyeing of Silks, One Half of the respective Allowances payable on Soap used for such Purposes before the First Day of *June* One thousand eight hundred and thirty-three.

III. And be it further enacted, That the said Duties by this Act imposed shall be under the Management of the Commissioners of Excise; and that the said Duties, Allowances, and Drawbacks shall be respectively raised, levied, collected, recovered, allowed, and paid in such and the like Manner, and in or by any or either of the general or special Ways, Means, or Methods, by which the former Duties, Allowances, and Drawbacks of Excise respectively hereby repealed were or might be raised, levied, collected, recovered, allowed, and paid; and the said Persons, Goods, Merchandize, and Commodities so by this Act respectively made liable to the Payment or chargeable with the said Duties imposed, or entitled to the said Allowances and Drawbacks granted by this Act, shall be and the same are hereby made subject and liable to all and every the Conditions, Regulations, Rules, Restrictions, and Forfeitures to which such Persons, Goods, Merchandize, and Commodities were generally or specially subject and liable by any Act or Acts of Parliament in force on and immediately before the passing of this Act, respecting the Duties of Excise under the Management of the Commissioners of Excise; and all and every Pain, Penalty, Fine, and Forfeiture, of any Nature or Kind whatever, for any Offence whatever committed against or in breach of any Act or Acts of Parliament on and immediately before the passing of this Act, and for securing the Revenue of Excise or other Duties under the Management of the said Commissioners of Excise respectively, or for the Regulation or Improvement thereof, and the several Clauses, Powers, and Directions therein contained, shall and are hereby directed and declared to extend to, and shall be respectively applied, practised, and put in execution for and in respect of the said several Duties, Allowances, and Drawbacks

Allowances to be granted on Soap used in Manufactures.

Duties to be under the Management of the Commissioners of Excise, and to be levied in like Manner as former Duties.

All Penalties for Offences against the Revenue Laws to extend to the Duties and Drawbacks hereby charged and allowed.

of Excise hereby charged, imposed, and allowed, in as full and ample Manner, to all Intents and Purposes whatsoever, as if all and every the said Acts, Clauses, Provisions, Powers, Directions, Pains, Penalties, Fines, and Forfeitures were particularly repeated and re-enacted in the Body of this Act.

Soap shipped as Stores of Vessels to be subject to the same Regulations as Commodities shipped Duty-free.

IV. And be it further enacted, That all Soap shipped as Stores of any Vessel shall be entered and shipped, and the Drawback thereon be claimed, allowed, and paid, under the Laws and Regulations for shipping Soap as Merchandize to Foreign Parts, and claiming, allowing, and paying the Drawback thereon; and all such Shipments and Drawbacks shall be subject and liable to all such Provisions, Enactments, Regulations, and Directions as any Goods or Commodities allowed to be shipped as Stores Duty-free are subject and liable under any Law or Laws relating to the Revenue of Customs, and to such other Regulations and Directions as the Commissioners of Excise shall order and direct in that Behalf.

Duties to be carried to the Consolidated Fund.

V. And be it further enacted, That all the Monies arising by the Duties by this Act imposed (the necessary Charges of raising and accounting for the same excepted) shall from Time to Time be paid into the Receipt of His Majesty's Exchequer at *Westminster*, and shall be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*.

So much of 5 G. 3. c. 43. as directs an Allowance of One Pound of Soap in Ten Pounds as a Compensation to Makers for Waste repealed; and Officers to charge the Makers with the full Quantity.

VI. And be it further enacted, That from and after the said Thirty-first Day of *May* One thousand eight hundred and thirty-three so much of an Act passed in the Fifth Year of the Reign of His Majesty King *George the Third*, intituled *An Act for the better securing and further Improvement of the Revenues of Customs, Excise, Inland, and Salt Duties, and for encouraging the Linen Manufacture of the Isle of Man, and for allowing the Importation of several Goods the Produce and Manufacture of the said Island, under certain Restrictions and Regulations*, as enacts, that in lieu of the therein-before mentioned Allowance thereby repealed, all and every the Officers of Excise, or for the Duties on Soap, shall and they are thereby required to allow to the respective Makers of Hard Soap, in their Returns or Reports of the several Quantities of Hard Soap made by such respective Makers of Hard Soap, One Pound in every Ten Pounds of Hard Soap which such Officer or Officers shall charge on the respective Makers thereof, which said Allowance of One Pound in Ten Pounds was thereby declared to be in full Compensation for all Waste, Losses, or Damages whatsoever, shall be and the same is hereby repealed; and every Officer of Excise shall charge every Maker of Soap with the full Quantity of Soap made by such Maker, without any Allowance or Deduction whatsoever.

Regulations respecting the Removal of Soap from *Ireland* into *Great Britain* to be entered for Payment of reduced Duties.

VII. And for preventing Injury to the Revenue by Persons removing large Quantities of Soap to *Ireland* on the higher Drawback, and bringing back the same to *Great Britain* at the lower Duty, be it enacted, That from and after the Thirty-first Day of *May* One thousand eight hundred and thirty-three, and until the First Day of *January* One thousand eight hundred and thirty-four, all Soap which shall be removed from *Ireland* into *Great Britain*, to be entered for Payment of the reduced Duties hereby imposed, shall be accompanied by a Certificate granted and signed

signed by the Maker thereof, which Certificate shall set forth and specify the Quantity and Description of the Soap, and the Packages in which the same shall be contained, and that the said Soap was *bond fide* made in *Ireland* by such Maker at his Soap Manufactory, the Situation whereof shall also be stated; and the Person accompanying such Soap on the Removal thereof, or to whom the same shall be consigned in *Great Britain*, or his Agent at the Port of Arrival, shall produce such Certificate to the proper Officer of Customs and Excise at such Port, and shall also make and sign a Declaration on such Certificate, that to the best of his Knowledge and Belief the Soap specified therein was really made in *Ireland*, and is not nor is any Part of it *British* Soap which had been removed to *Ireland* on Drawback; and if before the said First Day of *January* One thousand eight hundred and thirty-four any Soap shall be brought into any Port or Place in *Great Britain* unaccompanied by such Certificate, or if on the Arrival of the same in *Great Britain* the Person accompanying the same, or the Consignee thereof, or his Agent, shall not deliver his Certificate, or shall not make such Declaration as aforesaid, all such Soap shall be charged with the full Duty of Excise of Three-pence for every Pound's Weight thereof, if Hard Soap, or One Penny Three Farthings for every Pound thereof, if Soft Soap; and in default of the Payment of such Duty such Soap shall be forfeited, and may be seized by any Officer of Customs or Excise; and if any Maker of Soap in *Ireland* shall give any false Certificate, or if any Person shall forge or counterfeit any such Certificate, or shall produce or make use of any false or forged or counterfeit Certificate, or shall make any false Declaration, every Person so offending shall forfeit One hundred Pounds.

VIII. And be it further enacted, That every Person who shall be entitled to any Allowance of the Duties on Soap used, employed, or consumed in *Great Britain* in the making of any Cloths, Serges, Kerseys, Baize, Stockings, or other Manufactures of Sheep's or Lambs Wool only, or Manufactures whereof the greatest Part of the Value of the Materials shall be Wool, or in the finishing of the said Manufactures, or preparing the Wool for the same, or in the whitening of new Linen in the Piece for Sale, or in preparing and finishing any Manufactures from Flax or Cotton for Sale, or in the Process of throwing, printing, or dyeing of Silk, shall, in addition to the other Particulars by Law required on claiming such Allowance, make Oath or solemn Affirmation that all the Soap in respect of which the highest Rate of Allowance hereby repealed shall be claimed was really and truly used and consumed on or before the said Thirty-first Day of *May* One thousand eight hundred and thirty-three, and that to the best of his Knowledge and Belief the full Duties of Excise payable on and before the said Thirty-first Day of *May* had been charged and paid on the said Soap; and no such Allowance shall be admitted or paid which shall not be claimed within the Period aforesaid, or in respect of which such Oath or Affirmation shall not be made; and every Person swearing or affirming falsely shall be subject and liable to the Pains and Penalties of Perjury.

IX. And be it further enacted, That from and after the passing of this Act no such Allowance on Soap used in Manufactures as aforesaid

Persons claiming Allowances of Duties of Soap used in certain Manufactures to make Oath that the Soap was used before 31st May.

Allowances on Soap to be paid only to Owner

or Foreman of
the Manufac-
tory.

aforsaid shall be claimed by or be paid or payable to any Servant or Workman, or Person, other than the Owner or One of the Part Owners or the Foreman of the Manufactory or Business in which the Soap in respect of which such Allowance shall be claimed shall have been used or consumed.

Penalty for un-
lawfully in-
creasing the
Weight of Soap,
100*l*.

X. And be it further enacted, That it shall not be lawful for any Maker of Soap to increase the Weight of any Soap by adding Water, Leys, Lye, or any Liquor or Matter thereto, after the same shall have been taken an Account of and charged with Duty in the Frames by the Officer of Excise, and before the same shall be sent out from the Premises where manufactured, on Forfeiture of all the Soap so increased in Weight, and One hundred Pounds.

Certificates of
Receipt of Soap
to be preserved
by Dealers, and
delivered to the
Officers upon
Demand.

XI. And be it further enacted, That every Dealer in Soap shall preserve all Certificates delivered with any Quantities of Soap received by him, and shall at all Times deliver up all such Certificates in his Custody or Possession to any Officer of Excise who shall demand the same; and every Dealer in Soap who shall, on Demand by any Officer of Excise, neglect or refuse to deliver up to such Officer all the Certificates received by him, and then in his Possession, or who shall give any false or untrue Account of the Certificates received by him, shall forfeit One hundred Pounds.

Regulations for
storing Soap not
to be sold until
after the 31st
May.

XII. ' And whereas it is expedient that Provision should be made for allowing the Makers of Soap to make and store Soap not to be sold or consumed until after the Thirty-first Day of *May*, when the Duties now payable are to cease and determine, and the new Duties hereby imposed are to commence and take effect; ' be it therefore enacted, That every Maker of Soap who shall intend to make and store any Soap not to be sold or consumed before the First Day of *June* One thousand eight hundred and thirty-three shall give Notice of such his Intention in Writing to the proper Officer of Excise before storing any Soap, and in such Notice shall specify some separate and secure Room, Cellar, or Store, to be approved of by the Commissioners of Excise or their Officers, for the keeping therein of all such Soap as is intended to be stored; and such Maker of Soap may from Time to Time, when giving Notice to cleanse or take out of the Copper any Soap, also give Notice in Writing to the proper Officer of Excise that all the Soap of that particular Cleanse is Soap not to be sold or sent into Consumption until after the Thirty-first Day of *May* One thousand eight hundred and thirty-three, and that he is desirous of storing the same; and all such Soap shall be made under the Regulations and shall be charged with the Duties now in force, save and except that in charging such Soap with Duty no Allowance of One Pound in every Ten Pounds of Hard Soap, or any other Allowance, shall be made or allowed; and the Duties so charged shall be payable and paid in the usual Course of Payment according to the Laws now in force relating to the Revenue of Excise; and as soon as such Soap shall be cut up, and an Account been taken of the same, all such Soap shall be forthwith deposited and stored in the separate Room, Cellar, or Store approved of by the Commissioners of Excise or their Officers, under the Locks and Keys of the Officers of Excise, and otherwise secured in such Manner as the Commissioners of Excise shall direct; and as often as any other Soap shall be made to be stored and secured, the Officer of Excise shall take an Account thereof, and of all Soap which shall

have been previously stored; and all such Soap shall be kept so stored and secured, and shall not be sold or sent into Consumption, or any Part thereof be delivered to the Maker thereof, until on or after the First Day of *June* One thousand eight hundred and thirty-three, on which Day the proper Officers of Excise shall take an Account of all the said Soap which shall have been so cleansed under such Notice, or stored and secured; and if upon such Account the whole Quantity of Soap shall be found in the Stock of the Maker who shall have made the same, stored and secured as aforesaid, and the Officers of Excise shall be satisfied that it is the same Soap which was so made, and that no Part thereof has been sent into Consumption, or any Addition made thereto, or any Alteration therein, the Commissioners of Excise are hereby authorized and empowered to allow to the respective Makers of such Soap, from the Charges of Duty thereon, the Sum of One Penny Halfpenny on every Pound of Hard Soap, and Three Farthings on every Pound of Soft Soap, the Amount of which Allowance shall be placed to the Credit of each respective Maker of such Soap, and shall be allowed to him on the Payment of the next and any subsequent Return or Charge of Duties which shall become payable after the said First Day of *June* until such Credit shall be exhausted.

XIII. And be it further enacted, That if any Soap which shall be made under the Regulations aforesaid, as not to be sent into Consumption until after the said Thirty-first Day of *May* One thousand eight hundred and thirty-three, shall not at any Time previous thereto be so stored and secured in such separate and secure Room, Cellar, or Store approved of by the Commissioners of Excise or their Officers; or if any such Maker of Soap shall open or procure to be opened any such Room, Cellar, or Store, or injure any of the Locks, Keys, or Fastenings thereof, or remove, or cause or procure to be removed, any Soap from or out of the same, or shall send out or deliver any such Soap so made to be stored, or if on the First Day of *June*, or at any Time previous thereto, the Officers of Excise shall not find all such Soap so stored and secured and unaltered, or if any such Maker of Soap shall use or practise any Art or Device to deceive any Officer of Excise in taking an Account of such Soap, or of any Part of his Stock, or to remove any Part of such Soap, or to evade any Part of the Duty on Soap with which previous to the said First Day of *June* he might or would be chargeable, or to obtain any greater Allowance under the Regulations aforesaid than he shall be entitled to, then and in any such Case the Soap Maker so offending shall forfeit all Claim to any such Allowance as aforesaid, together with any Penalty or Penalties or Forfeitures which he may thereby incur under any of the Laws of Excise.

If the prescribed Regulations for storing Soap are infringed upon, the Party shall lose all Claim to any Allowance, and be subject to the Penalties existing under the Excise Laws.

XIV. And be it further enacted, That this Act may be altered, amended, or repealed by any Act or Acts to be passed in this present Session of Parliament.

Act may be altered this Session.

CAP. XVII.

An Act for repealing Part of an Act of the Twenty-sixth Year of King *George* the Third, for better securing the Duties on Starch, and for preventing Frauds on the said Duties; and for making other Provisions in lieu thereof. [10th June 1833.]

26 G. 3. c. 51.

Prohibition of manufacturing Stone Blue from Flour, &c. repealed.

Penalty on Maker of Stone Blue using or having in his Possession any farinaceous Substance other than Starch on which the Duties shall have been charged.

Penalty on Stone Blue Maker using or having

‘ **W**HEREAS by an Act passed in the Twenty-sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for better securing the Duties on Starch, and for preventing Frauds on the said Duties*, it was amongst other things enacted, that no Maker or Makers of Stone Blue for Sale shall begin to make or manufacture, or cause or procure to be begun to be made or manufactured, any Stone Blue from any Flour, Meal, or other Ingredients or Materials whatsoever, (other than the Materials or Ingredients for colouring the same,) except Starch for which all the Duties due and in respect thereof have been first charged, on pain of forfeiting for every such Offence all such Stone Blue, Flour, Meal, and other Ingredients, and Materials whatsoever, (other than the Materials or Ingredients for colouring such Stone Blue,) together with the Boxes, Tubs, and Vessels whatsoever containing the same, and also the Sum of One hundred Pounds: And whereas the said Enactment hath been found inconvenient, and it is necessary to repeal the same, and to provide other Provisions in lieu thereof;’ be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Enactment shall be and the same is hereby repealed.

II. And be it further enacted, That every Maker of Stone Blue who shall in the making or manufacturing of Stone Blue make use of, or cause or procure or permit or suffer to be made use of, any Starch the full Duties whereon shall not have been duly charged, or any Flour, Meal, or other farinaceous Substance other than Starch the full Duties whereon shall have been duly charged, or who shall receive or have in his Possession on his Premises entered for making Stone Blue, any Flour, Meal, or other farinaceous Substance to be used in lieu of or as a Substitute for Starch in the making or manufacturing of Stone Blue, or who shall receive or have in his Possession in his Dwelling House, or on any Premises occupied by him, any Starch privately made, or the full Duties whereon shall not have been paid, or any Flour, Meal, or other farinaceous Substance fermenting or fermented to be used, or capable of being used, in lieu of or as a Substitute for Starch in manufacturing Stone Blue, or capable of being converted into Starch, shall for every such Offence forfeit the Sum of One hundred Pounds; and all such Stone Blue, Starch, Flour, Meal, and other farinaceous Substance, together with the Boxes, Tubs, Casks, or other Vessels containing the same, shall be forfeited and may be seized by any Officer or Officers of Excise.

III. And for the Purpose of preventing the excessive Use of earthy Matters and Substances in substitution for Starch in the

manufacturing of Stone Blue, be it further enacted, That every Maker of Stone Blue who shall receive or shall have in his Possession, or who shall in the making or manufacturing of Stone Blue make use of, or cause or procure or permit to be made use of, any Fullers Earth, Derby Earth, Plaister of Paris, Chalk, or other earthy Matter or Substance (except as herein-after provided), shall forfeit One hundred Pounds, together with all such Fullers Earth, Derby Earth, Plaister of Paris, Chalk, or other earthy Matter or Substance, and all Stone Blue which shall have been made or manufactured therewith: Provided always, that it shall be lawful for any Maker of Stone Blue to have in his Possession and to make use of any Pipe Clay in manufacturing Stone Blue, in the Proportion of Five Pounds only of Pipe Clay to every One Hundred Weight of Starch, for the Purpose of binding or rendering the Stone Blue firm and adhesive.

in his Possession certain Substances.

IV. And be it further enacted, That this Act may be amended, altered, or repealed by any Act or Acts to be passed in this Session of Parliament.

Act may be altered this Session.

CAP. XVIII.

An Act to apply the Sum of Six Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and thirty-three.

[18th June 1833.]

‘ Most Gracious Sovereign,

‘ **WE**, Your Majesty’s most dutiful and loyal Subjects, the
 ‘ Commons of the United Kingdom of *Great Britain* and
 ‘ *Ireland*, in Parliament assembled, towards making good the Supply which we have cheerfully granted to Your Majesty in this
 ‘ Session of Parliament, have resolved to grant unto Your Majesty
 ‘ the Sum herein-after mentioned; and do therefore most humbly
 ‘ beseech Your Majesty that it may be enacted;’ and be it enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That there shall and may be issued and applied, for or towards making good the Supply granted to His Majesty for the Service of the Year One thousand eight hundred and thirty-three, the Sum of Six Millions out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*; and the Commissioners of His Majesty’s Treasury of the United Kingdom of *Great Britain* and *Ireland*, now or for the Time being, or any Three or more of them, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland* for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

There shall be applied, for the Service of the Year 1833, 6,000,000*l.* out of the Consolidated Fund.

II. And be it further enacted, That it shall and may be lawful for the Commissioners of His Majesty’s Treasury or any Three or more of them for the Time being, from Time to Time, by Warrant under their Hands, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of His Majesty’s Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole Six Millions; and such Exchequer Bills shall be made out in the same or like Manner, Form, and Order, and according to

The Treasury may cause 6,000,000*l.* of Exchequer Bills to be made out in manner prescribed by 48 G. 3. c. 1.

the same or like Rules and Directions, as are directed and prescribed in and by an Act passed in the Forty-eighth Year of the Reign of His late Majesty King *George the Third*, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*.

The Clauses,
&c. in recited
Act extended to
this Act.

III. And be it further enacted, That all and every the Clauses, Provisoos, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said recited Act passed in the Forty-eighth Year of the Reign of His said late Majesty shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if the said several Clauses, Provisoos, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities had been particularly repeated and re-enacted in the Body of this Act.

Exchequer Bills
to bear Interest;

IV. And be it further enacted, That the Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Three-pence Halfpenny *per Centum per Diem* upon or in respect of the whole of the Monies respectively contained therein.

to be placed as
so much Cash
in the Exche-
quer;

V. And be it further enacted, That the Commissioners of His Majesty's Treasury for the Time being, or any Three or more of them, shall and they are hereby authorized and empowered to cause such Exchequer Bills as shall be made out in pursuance of this Act to be placed, as so much Cash, in the respective Offices of the Tellers of the Receipt of His Majesty's Exchequer at *Westminster*, each and every of which Tellers shall be severally charged with the Proportion of the said Bills which shall be so placed in his Office respectively as so much Cash; any Law or Usage to the contrary notwithstanding.

and may be
applied by the
Treasury.

VI. And be it further enacted, That the said Exchequer Bills in the Hands of the said Tellers shall be locked up and secured as Cash, according to the Course of the Receipt of the Exchequer at *Westminster*, and shall be taken and esteemed as so much in part of the Remains in real Money wherewith each of the said Tellers shall from Time to Time stand charged, in common with other the Monies in the said Exchequer, any Law or Usage to the contrary notwithstanding; and it shall be lawful for the said Commissioners of the Treasury to issue and apply the same from Time to Time to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Exchequer Bills
made charge-
able upon the
growing Pro-
duce of the
Consolidated
Fund.

VII. And be it further enacted, That the Principal Sum or Sums of Money to be contained in all such Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* in the next succeeding Quarter to that in which the said Exchequer Bills have been issued; and it shall be lawful for the Commissioners of His Majesty's Treasury for the Time being, or any Three or more of them, and they are hereby authorized, from Time to Time, by Warrant under their Hands, to direct the Auditor of the Receipt of the Exchequer at *Westminster*, in such Manner as they shall think necessary, to issue unto such Person or Persons as shall be named in the said Warrant, out of the growing Produce of the said

said Consolidated Fund of the next succeeding Quarter to that in which the said Exchequer Bills have been issued, any Sum or Sums of Money not exceeding in the whole a Sum sufficient to discharge and pay off the Principal Sum or Sums of Money contained in such Exchequer Bills then outstanding, and which may have been made out and issued by virtue of this Act, together with all such Interest as may be due thereupon.

VIII. And be it declared and further enacted, That it shall and may be lawful for the Governor and Company of the Bank of England, and they are hereby empowered, to take, accept, and receive the Exchequer Bills authorized to be made out in pursuance of this Act, and to advance or lend to His Majesty, at the Receipt of the Exchequer at *Westminster*, upon the Credit of the Sum granted by this Act out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, any Sum or Sums of Money not exceeding in the whole the Sum of Six Millions; any thing in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors, and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against France*, or any other Act or Acts, to the contrary notwithstanding.

Bank of England may advance 6,000,000*l.* on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

CAP. XIX.

An Act for the more effectual Administration of Justice in the Office of a Justice of the Peace in the several Police Offices established in the Metropolis, and for the more effectual Prevention of Depredations on the River *Thames* and its Vicinity, for Three Years.

[18th June 1833.]

‘WHEREAS it is expedient to consolidate and amend the several Acts now in force for the more effectual Administration of Justice in the Office of a Justice of the Peace in the several Police Offices established in the Metropolis, and for the more effectual Prevention of Depredations on the River *Thames* and its Vicinity;’ be it enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the several Police Offices now established in the Parishes of *Saint Margaret Westminster, Saint James Westminster, Saint Mary-le-bone, Saint Andrew Holborn, Saint Leonard Shoreditch, Saint Mary Whitechapel, and Saint John of Wapping*, in the County of *Middlesex*, and *Saint Saviour* in the County of *Surrey*, shall be continued; and that the several Persons appointed to execute the Duties of a Justice of the Peace at the Police Offices now established shall continue to execute the same at the said Police Offices, together with any other Justice of the Peace for the Counties of *Middlesex* and *Surrey* respectively who may think proper to attend thereat; and that it shall be lawful for His Majesty, His Heirs and Successors, in case of a Vacancy by

The Police Offices now established shall be continued.

Justices to act.

Death or otherwise, to appoint another fit Person, being a Justice of the Peace of the said Counties of *Middlesex* and *Surrey* respectively, to execute the Duties of a Justice of the Peace at the said several Police Offices.

Time of Attendance.

II. And be it further enacted, That One or more of the said Justices so appointed shall diligently attend at each of the said Police Offices every Day from Ten of the Clock in the Morning until Eight of the Clock in the Evening, and at such other Times and Places as shall be found necessary and directed by One of His Majesty's Principal Secretaries of State, and that Two of the said Justices shall in like Manner attend together at each of the said Offices from Twelve of the Clock at Noon until Three in the Afternoon: Provided always, that no such Attendance shall be given on *Sunday*, *Christmas Day*, *Good Friday*, or any Day appointed for a Public Fast or Thanksgiving, unless in Cases of urgent Necessity, or when it shall be directed by such Principal Secretary of State.

His Majesty may alter Situation of Offices and Hours of Attendance.

III. And be it further enacted, That it shall be lawful for His Majesty, His Heirs and Successors, by and with the Advice of His or Their Privy Council, to alter the Situation of any of the said Police Offices, or to discontinue any of the said Police Offices, or to establish any additional Police Offices, or to make such Regulations in the Attendance of the Justices, and in conducting such Police Offices, as may be deemed expedient.

Receiver to be continued in Office; and, in case of Death, His Majesty may appoint another.

IV. And be it further enacted, That the present Receiver for the said Police Offices shall continue such Receiver, and that it shall be lawful for His Majesty, His Heirs and Successors, upon any Vacancy in the said Office of Receiver by Death or otherwise, to appoint any other proper Person, not being one of the Justices appointed to act at any of the said Police Offices, to be the Receiver of the said Police Offices; and that the said Receiver for the Time being shall receive all Fees, Penalties, and Forfeitures, and other Sums of Monies applicable to the Purposes of this Act, and shall keep an exact and particular Account of all such Monies as shall be received by him, and shall apply the same quarterly in discharge of the Salaries, Expences, and Charges attending the said Police Offices, and in carrying this Act into execution; and shall make all such Contracts and Disbursements as shall be necessary for purchasing, hiring, fitting up, and furnishing proper and sufficient Houses and Buildings wherein the said Police Offices shall be held, in such Manner as shall be directed by One of His Majesty's Principal Secretaries of State, of which Houses and Buildings so to be hired or purchased, and of all Houses and Buildings already hired or purchased for the like Purposes, and of the Fixtures and Furniture thereof, and of all other Necessaries to be held or purchased for the Purposes of this Act, the Property acquired therein shall be vested in the Receiver for the Time being, who shall and may sell, assign, and dispose of the same, or any Part thereof, under the like Directions and Appointment, as Occasion shall require; and such Receiver shall prepare proper Plans and Estimates of all such Contracts and Disbursements as shall be necessary for the Purposes aforesaid, and shall deliver the same to One of His Majesty's Principal Secretaries of State; and such Receiver shall further do and execute all such other lawful Matters and Things towards the carrying this Act into execution

His Duty.

tion as from Time to Time shall be directed by One of His Majesty's Principal Secretaries of State; and for his Care and Pains in the Execution of such Office shall and may retain to his own Use, out of the Monies so received by him as aforesaid, a Sum not exceeding Four hundred Pounds *per Annum*.

His Salary.

V. And be it further enacted, That a sufficient Number of fit and able Men shall from Time to Time, by the Directions of One of His Majesty's Principal Secretaries of State, be appointed, retained, and employed as Constables at the said Police Offices, and shall be sworn in by any of the said Justices in their respective Offices to act as Constables for preserving the Peace, and preventing Robberies and other Felonies, and apprehending Offenders against the Peace; which Constables so sworn shall, within the Counties of *Middlesex, Surrey, Essex, and Kent*, and the Liberty of His Majesty's Tower of *London*, and all other Liberties in the said Counties, have all such Powers, Authorities, Privileges, and Advantages as any Constable duly appointed now has or hereafter may have by virtue of any Law or Statute now made or hereafter to be made, and shall obey all such lawful Commands as they shall from Time to Time receive from any of the said Justices respectively for the apprehending Offenders, or otherwise conducting themselves in the Execution of their Offices; and such Justices may at any Time suspend or dismiss from his Employment any such Constable attached to their respective Offices whom they shall think remiss or negligent in the Execution of his Duty, or otherwise unfit for the same; and when any such Constable shall be so dismissed, or cease to belong to any of the said Offices, all Powers and Authorities vested in him as a Constable under and by virtue of this Act shall immediately cease and determine to all Intents and Purposes whatever.

Constables shall be employed, by the Direction of the Secretary of State, within the Counties of *Middlesex, Surrey, Essex, and Kent*, and all Liberties therein.

VI. And be it further enacted, That the Justices appointed to the said Police Office in the Parish of *Saint John of Wapping*, commonly called the *Thames* Police Office, or any of them, shall (subject to the Approbation of One of His Majesty's Principal Secretaries of State) appoint, retain, and employ any Number of fit and discreet Men, who, under the Name of *Thames* Police Surveyors, shall (being first duly sworn in manner above mentioned) have, within the Counties and Liberties aforesaid, the Powers, Authorities, Privileges, and Advantages of a Constable as aforesaid, and shall direct and inspect the Conduct of the Constables attached to the *Thames* Police Office, and of all Persons to be employed in and about Ships and Vessels in the said River *Thames*, or in or on the several Creeks, Docks, Wharfs, Quays, and Landing Places thereto adjacent, and (subject to the Orders of any of the said last-mentioned Justices) shall have Power by virtue of their Offices to enter at all Times, as well by Night as by Day, into and upon every Ship, Hoy, Barge, Lighter, Boat, or other Vessel (not being then actually employed in His Majesty's Service) lying or being in the said River or Creeks, or in any Dock or Docks thereto adjacent, and into every Part of every such Vessel, for the Purpose of inspecting and upon Occasion directing the Conduct of any Constable who may be stationed on board of any such Vessel, and of inspecting and observing the Conduct of all other Persons who shall be employed on board of any such Vessel in or about the lading or unlading thereof,

Thames Police Surveyors to be appointed with the Approbation of the Secretary of State.

thereof, as the Case may be, and for the Purpose of taking all such Measures as may be necessary for providing against Fire and other Accidents, and preserving Peace and good Order on board of any such Vessel, and for the effectual Prevention or Detection of any Felonies or Misdemeanors; and the Justices appointed to the said *Thames* Police Office may at any Time suspend or dismiss any such *Thames* Police Surveyor whom they shall find remiss or negligent in the Execution of his Duty, or otherwise unfit for the same; and when any such Surveyor shall be so dismissed, or cease to belong to the said Office, all Powers and Authorities vested in him as such Surveyor under and by virtue of this Act shall immediately cease and determine to all Intents and Purposes whatever.

Officers and Patrols of Bow Street Office to act as Constables.

VII. And be it further enacted, That it shall be lawful for the Chief Magistrate of the Public Office in *Bow Street* to administer to the Officers of that Office, and to the Horse Patrol acting under his Authority, an Oath duly to execute the Office of Constable within the said several Counties and Liberties, and within the Royal Palaces of His Majesty, His Heirs and Successors, and Ten Miles thereof; and each of the said Officers and Patrol of the said Public Office, being sworn, shall, within the several Liberties and Counties aforesaid, and also within the said Royal Palaces and Ten Miles thereof, have Power to act as a Constable, and shall have therein all such Powers and Authorities, Privileges and Advantages, as any Constable duly appointed now has or hereafter may have within his Constableness: Provided always, that when any such Constable or Patrol shall be dismissed from his Employment, or cease to belong to the said Public Office in *Bow Street*, all Powers and Authorities, Allowances, Emoluments, Privileges, and Advantages, vested in the Person so dismissed or ceasing to belong to the said Office, shall immediately cease and determine.

In case of Removal of Bow Street Office, Powers to continue.

VIII. And be it further enacted, That all Powers and Authorities, Privileges, Advantages, Exemptions, Duties, Obligations, and Liabilities, by this Act conferred and imposed upon the Magistrates of the said Public Office in *Bow Street*, and upon the Clerks, Constables, and others therein employed, and on the Horse Patrol acting under the Authority of the Chief Magistrate of that Office, shall, in case of the Removal of that Office from the said Street to any other Street or Place, be used and exercised, enjoyed and performed, by the Magistrates, Clerks, Officers, Patrol, and others respectively, at the Office to be substituted for the said Public Office in *Bow Street*, in as full and ample Manner, to all Intents and Purposes, as if such substituted Office had been expressly named in this Act.

Constables may be appointed for special Purposes.

IX. And be it further enacted, That it shall be lawful for the Justices of the said Public Office in *Bow Street*, or for the Justices appointed to attend at the said Police Offices, or for any of them, if they should think fit, on the Application of any Person or Persons showing the Necessity thereof, to appoint any Number of fit and competent Men recommended by the Person or Persons so applying, and approved by such Justice or Justices, to be Constables to keep the Peace at any Place within the Limits of the Weekly Bills of Mortality, or within the Parishes of *Saint Mary-le-bone*, *Paddington*, *Saint Pancras*, *Kensington*, or *Saint Luke Chelsea*, in the County of *Middlesex*, for such Period of Time as such Justice

or Justices shall deem fit and necessary, and to administer an Oath to every such Constable duly to execute that Office within such Place, and for the Period of Time for which he shall be appointed; and every Constable so sworn shall, at such Place, and during the Time he shall so serve, have all such Powers and Authorities, Privileges, Advantages, and Liabilities, as any Constable duly appointed hath or shall have within his Constablewick, and shall be paid by the Person or Persons on whose Application he shall be appointed such Wages as shall be deemed reasonable and adequate by the Justice or Justices by whom he shall be so appointed: Provided always, that in case of any Neglect of Duty or Misconduct of any Constable so appointed, or upon the Request in Writing of the Person or Persons on whose Application such Appointment shall have been made, it shall be lawful for any of the aforesaid Justices to determine such Appointment, and all Powers, Authorities, Privileges, Advantages, and Liabilities of such Constable shall thereupon cease.

X. And be it further enacted, That if any of the Officers or Patrols acting under the Authority of the Chief Magistrate of the said Public Office, *Bow Street*, or any of the Constables retained and employed at any of the said Police Offices, or any of the Constables appointed and sworn in under the Authority of the Justices of the Metropolitan Police, or any Constable appointed and sworn in as herein-before last mentioned, shall be guilty of any Disobedience of Orders, Neglect of Duty, or of any Misconduct as such Constable, and shall be convicted thereof before Two Justices of the Peace, he shall forfeit any Sum not exceeding Ten Pounds, and in default of immediate Payment shall suffer Imprisonment, with or without hard Labour, for any Time not exceeding Three Months: Provided always, that nothing herein contained shall prevent any such Person from being proceeded against by way of Indictment for any Offence committed by him as Constable, so as that no Person shall be proceeded against both by Indictment and also under this Act for the same Offence.

XI. And be it further enacted, That it shall be lawful for His Majesty, His Heirs and Successors, to direct that such Sum shall be issued quarterly, out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, to the said Receiver, as will be sufficient to pay the yearly Salary of Eight hundred Pounds clear of all Fees or Deductions, to each of the Justices appointed to attend at the said Police Offices for their Time and Trouble, and to pay such further Sums as may be necessary for the Expences of the Offices, and for the Payment of Clerks, Constables, Surveyors, and others therein employed, and for the Payment of the Expences of the said Public Office in *Bow Street*, and of the Magistrates, Clerks, and Constables, and others therein employed, and of the Horse Patrol acting under the Authority of the Chief Magistrate of that Office, and of such Horse and Foot Patrol as have been superannuated under the Provisions of the Act passed in the Third Year of the Reign of His late Majesty King *George the Fourth*, for the more effectual Administration of the Office of Justice of the Peace in and near the Metropolis; provided that the whole of the said Charges shall not exceed the annual Sum of Fifty-eight thousand Pounds, over and above the necessary Disbursements

Power to punish Constables for Neglect of Duty or other Misconduct.

Justices to be allowed a Salary of 800*l.* per Annum.

Further Sums to be issued for Payment of Clerks, Constables, &c., and for *Bow Street* Office and Horse Patrol.

bursements for purchasing, hiring, repairing, fitting up, and furnishing the Houses and Buildings wherein the said Offices shall be held; and that the said Receiver, out of the Monies so issued to him, shall and may pay to the Constables and Surveyors so appointed as aforesaid, for their Trouble and Attendance, such Sum as may from Time to Time appear reasonable to One of His Majesty's Principal Secretaries of State, and any extraordinary Expences necessarily incurred in apprehending Offenders, and in executing the Orders of the Justices acting under and by virtue of this Act, such extraordinary Expences being first examined and approved of by the Justices attending the Police Office to which such Constables or Surveyors shall be respectively attached; and shall and may pay, under the Direction of such Principal Secretary of State, such further Sum for rewarding the extraordinary Diligence or Exertion of any of the said Constables or Surveyors, or for compensating them for Wounds or severe Injuries received in the Performance of their Duties, or for an Allowance to such of them as shall be completely disabled by bodily Injury, or worn out by Length of Service.

No Justice shall take Fees but at the Public Office Bow Street and at the Police Offices.

XII. And be it further enacted, That no Justice of the Peace for the County of *Middlesex*, County of *Surrey*, City and Liberty of *Westminster*, or Liberty of the Tower of *London*, or his Clerk, or any Person on their Behalf, elsewhere than at the said Public Office in *Bow Street* and at the said Police Offices, shall directly or indirectly, upon any Pretence whatever, take or receive any Fee, Reward, Gratuity, or Recompence for any Act by him or them done or to be done in the Execution of his or their Office or Employ as Justice of the Peace or Clerk as aforesaid, within the Limits of the Weekly Bills of Mortality, or within the Parishes of *Saint Mary-le-bone*, *Paddington*, *Saint Pancras*, *Kensington*, or *Saint Luke Chelsea*, in the County of *Middlesex*, upon pain of forfeiting the Sum of One hundred Pounds for every such Offence, one Moiety thereof to the said Receiver, to be applied to the Purposes of this Act, and the other Moiety thereof, with full Costs of Suit, to the Person who shall sue for the same in any of His Majesty's Courts of Record at *Westminster*; and that every Summons which shall, after the passing of this Act, be issued by any Justice of the Peace of the Counties of *Middlesex* and *Surrey* respectively, requiring any Person residing within the said Limits and Parishes to appear at any Place without those Limits and Parishes, to answer any Information or Complaint touching any Matter arising within the said Limits and Parishes, shall be utterly void and of none Effect; any Law, Custom, or Usage to the contrary notwithstanding: Provided always, that nothing in this Act contained shall be construed to extend to any Fees taken at any General or Quarter Sessions of the Peace, or at any Meeting of Justices for the Purposes of licensing Alehouses, or to any Fees taken by the Vestry Clerk, or by the Clerk to the Churchwardens and Overseers of any Parish, for the Purpose of enforcing the Payment of any Taxes or Assessments arising within the same Parish, or for the Purpose of hearing and determining any Offence cognizable before Justices of the Peace, by virtue of any Statute made and provided for the special Regulation or Government of such Parish.

Penalty 100l.

Summons for Persons to appear at any Place without the Limits specified in this Act void.

Nothing herein to extend to Fees at Quarter Sessions, or Meetings of Justices for licensing Alehouses, &c.

XIII. And

XIII. And be it further enacted, That in some conspicuous Part of each of the said Police Offices, and also of the said Public Office in *Bow Street*, there shall be affixed a Table of the Fees which may legally be taken at such Offices respectively under an Act passed in the Twenty-sixth Year of the Reign of King *George the Second*, intituled *An Act for the settling and ascertaining the Fees to be taken by Clerks to Justices to the Peace*, and under another Act passed in the Twenty-seventh Year of the Reign of King *George the Second*, intituled *An Act for making perpetual several Laws for Punishment of Persons destroying Turnpikes, Locks, or other Works erected by Authority of Parliament*; and that all Acts made for erecting Courts of Conscience shall be deemed Public Acts; and to empower a certain Number of the Trustees of the British Museum to do certain Acts; and for confirming the Tables of Fees to be taken by the Clerks to the Justices of the Peace for the County of *Middlesex*; and for giving further Time for the Payment of Duties omitted to be paid for the Indentures or Contracts of Clerks and Apprentices; and for filing Affidavits in the Execution of Contracts of Clerks to Attornies and Solicitors; and for preventing Persons driving certain Carriages from riding upon such Carriages; and that it shall be lawful for any Justice at such Offices respectively to refuse to do any Act for which any Fee shall be demandable unless such Fee shall be first paid; and that if any such Act shall be done, and the Fee due thereon shall not be paid, it shall be lawful for any Justice of the Peace to summon the Person from whom such Fee shall be due, and to make Order for Payment of the same, with the Costs of the Proceedings, and in default of Payment to levy the same, with the Costs of the Distress, by Warrant under his Hand and Seal.

Table of Fees to be hung up.

26 G. 2. c. 14.

27 G. 2. c. 16.

XIV. And be it further enacted, That the Justices of the said Public Office in *Bow Street* and the Justices appointed to attend at the said Police Offices, and their Clerks respectively, shall, in Books to be provided for that Purpose, keep a full, true, and particular Account of all Fees taken and received at each of the said Offices, together with all Penalties and Forfeitures which shall have been recovered, levied, or received in pursuance of any Adjudication, Conviction, or Order had or made at any of the said Offices, or any Process or Warrant issuing from the same; to which Books of Account the said Receiver shall at all Times have free Access; and the said Justices shall, once in every Quarter of a Year, deliver unto such Receiver such Account, verified upon Oath by such Justice or Justices, Clerk or Clerks, or such other Person or Persons as shall be employed in keeping such Accounts respectively or any Part thereof, before some Justice of the Peace for the said County of *Middlesex* or County of *Surrey*, and shall pay the Amount of all such Fees unto such Receiver, to be applied in manner hereinbefore mentioned.

Account of Fees and Forfeitures received at the said Offices shall be delivered quarterly to the Receiver, and the Amount thereof paid to him.

XV. And be it further enacted, That where by any Act or Acts, other than an Act passed in the Tenth Year of the Reign of His late Majesty King *George the Fourth*, intituled *An Act for improving the Police in and near the Metropolis*, any Penalties or Forfeitures, or Shares of Penalties or Forfeitures, are or shall hereafter be made recoverable in a summary Manner before any Justice or Justices of the Peace, and by such Act or Acts respectively the same are or shall be limited and made payable to His Majesty, or to any Body Corporate,

Penalties and Forfeitures recovered before any of the Justices to be paid to the Receiver.

Corporate, or to any Person or Persons whatsoever, save and except the Informer who shall sue for the same, or any Party aggrieved, in every such Case the same, if recovered or adjudged before any Justice or Justices at the said Public Office in *Bow Street*, or at any of the said Police Offices, shall, notwithstanding any thing in such Act or Acts respectively contained, be recovered for and adjudged to be paid to the said Receiver for the Time being, to be by him applied for the Purposes of this Act; and the same shall not in any Case be recovered by or adjudged to be paid to any other Person than the said Receiver, unless such Person be the Informer or the Party aggrieved: Provided always, that nothing herein contained shall extend or be construed to extend to any Penalties or Forfeitures recovered under any Act relating to the Customs or to Trade or Navigation, and sued for by the Direction of the Commissioners of His Majesty's Customs, which shall be paid to such Person as the said Commissioners shall direct to receive the same.

If Fees and Penalties are not accounted for, Receiver may sue for the same in any Court of Record.

XVI. And be it further enacted, That if the Justices appointed as aforesaid, or any other Person, having received any such Fees at the said Public Office in *Bow Street*, or at any of the said Police Offices, shall neglect to account for and pay the same in manner aforesaid, or if any Justice, Justice's Clerk, Constable, Officer, or other Person who shall levy or receive such Penalties or Forfeitures, or Shares of Penalties or Forfeitures, shall neglect to pay the same into the Hands of such Receiver, or if any Person having resigned any such Office of Receiver, or having been removed from the same, shall neglect, within Twenty-one Days after Notice for that Purpose, to account for and pay into the Hands of the succeeding Receiver all such Sums of Money as shall remain in his Hands applicable to the Purposes of this Act, it shall be lawful for such Receiver for the Time being, in his own proper Name only, or by his Name and Description of Office, to sue for and recover the same, with Costs of Suit as between Attorney and Client, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, in which Action it shall be sufficient for such Receiver to declare as for Money had and received to the Use of such Receiver for the Purposes of this Act; and the Defendant or Defendants in such Action may, at the Discretion of any Judge of such Court, be held to special Bail in such competent Sum as such Judge shall order and direct; and in any such Action the Court in which such Action shall be brought may, if such Court shall think proper, at the Instance of either of the Parties, refer the Account in dispute in a summary Manner to be audited by any Officer of the Court or other fit Person, at its Discretion, who may examine both Plaintiff and Defendant upon Oath (which Oath the said Referee shall have Power to administer); and upon the Report of such Referee, unless either of the Parties shall show good Cause to the contrary, such Court may make a Rule, either for the Payment of such Sum as upon such Report shall appear to be due, or for staying the Proceedings in such Action, and upon such Terms and Conditions as to the same Court shall appear reasonable and just, or may order Judgment to be entered up by Confession for such Sum as upon such Report shall appear to be due.

Receiver may sue for Money in the Hands of

XVII. And be it further enacted, That in case of the Death of any such Receiver, or of any Person having resigned or been removed

moved from such Office, or of any of the other Persons whom the said Receiver for the Time being is authorized to sue as aforesaid, in every such Case the Receiver for the Time being may, in his own proper Name only, or by his Name and Description of Office, sue for and recover such Sum of Money as shall have been remaining in the Hands of such deceased Receiver or other Person applicable to the Purposes of this Act, or the Executors or Administrators of such Person deceased, in which Action it shall be sufficient for the Plaintiff to declare that the Deceased was indebted to the Plaintiff for Money had and received to his Use for the Purposes of this Act, or that the Deceased died possessed of Money had and received for the Purposes of this Act, whereby an Action accrued to the Plaintiff to demand and have the same of such Executors or Administrators; and the like Action shall and may be brought against any Executors or Administrators of Executors or Administrators; in all which Actions the Defendant or Defendants may plead in like Manner, and avail themselves of the like Matters in their Defence, as in any Action founded upon Simple Contracts of the original Testator or Intestate; and in all Actions to be brought by such Receiver by virtue of this Act Proof of the Plaintiff's acting in the Execution of such Office shall be sufficient Evidence of his holding the same, unless the contrary shall be shown in Evidence by the Defendant or Defendants in such Action.

XVIII. And be it further enacted, That such Receiver shall every Three Months, or oftener if required, make out a full and particular Account of all Monies by him received and paid as aforesaid; and such Account, together with proper Vouchers, shall be delivered by him, for the Purpose of being examined and audited, to any Person or Persons whom One of His Majesty's Principal Secretaries of State may direct.

XIX. And be it further enacted, That no Justice appointed as aforesaid shall, during his Continuance in such Appointment, be capable of being elected, or of sitting as a Member of the House of Commons; and that no Justice, Receiver, *Thames* Police Surveyor, or Police Constable appointed by virtue of this Act shall, during the Time that he shall continue in his Office respectively, or within Six Months after he shall have quitted the same, be capable of giving his Vote for the Election of a Member to serve in Parliament for the Counties of *Middlesex* or *Surrey*, or for the City of *London*, or for the City and Liberty of *Westminster*, the Borough of the *Tower Hamlets*, the Borough of *Finsbury*, or the Borough of *Mary-le-bone*, in the County of *Middlesex*, or for the Borough of *Southwark* or the Borough of *Lambeth* in the County of *Surrey* respectively, nor shall, by Word, Message, Writing, or in any other Manner, endeavour to persuade any Elector to give or dissuade any Elector from giving his Vote for the Choice of any Person to be a Member to serve in Parliament for any such County, City, or Borough; and every such Justice, Receiver, Surveyor, or Constable offending therein shall forfeit the Sum of One hundred Pounds, one Moiety thereof to the Informer, and the other Moiety thereof to the Use of the Poor of the Parish or Place where such Offence shall be committed, to be recovered by any Person that shall sue for the same in any of His Majesty's Courts of Record at *Westminster* within the Space of One Year after such Offence committed:

deceased Receivers, and recover from Executors.

Receiver to render Accounts quarterly, or oftener if required.

Justices not to sit in Parliament.

No Justice, Receiver, *Thames* Police Surveyor, or Police Constable to vote at certain Elections.

Penalty 100*l*.

mitted: Provided nevertheless, that nothing in this Act contained shall extend to subject any such Justice, Receiver, Surveyor, or Constable to any Penalty for any Act done by him at or concerning any of the said Elections in the Discharge of his Duty in any of the said respective Capacities.

Acts directed to be done by a Justice residing near where the Subject Matter shall arise, may be done by a Justice at the next Police Office.

XX. And be it further enacted, That where, by any Law now in being or hereafter to be made, any Act is directed or authorized to be done by any of the Justices appointed as aforesaid, the same may be done and executed by any of the Justices of the said Public Office in *Bow Street*, and where any Act is directed or authorized to be done by any Justice or Justices of the Peace residing in or near or next the Parish or Place where any Offence or other Matter cognizable before him or them shall be committed or shall arise, the same Jurisdiction shall and may be exercised by a Justice or Justices acting in the said Public Office in *Bow Street*, or in such of the said Police Offices as may be situated next or near such Parish or Place; and that such of the aforesaid Justices who shall be Justices of the Peace for the Liberty of His Majesty's Tower of *London* shall and may sit and act as such Justices for the said Liberty at the said Public Office in *Bow Street*, or at any of the said Police Offices.

Justices of the Tower Liberty may act at the said Offices.

Justices of the said Offices exempt from serving on Juries in Middlesex or Surrey, or in the City of London.

XXI. And be it further enacted, That the Justices of the said Public Office in *Bow Street*, and the Justices appointed to attend at the said Police Offices, shall be and are hereby absolutely freed and exempted from being returned and from serving on any Juries or Inquests whatsoever in the said Counties of *Middlesex* or *Surrey*, or in the City of *London*, and shall not be inserted in any Lists of Men qualified and liable to serve as Jurors, which shall be prepared and made out under and by virtue of an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Law relative to Juries*; any thing in any Act contained notwithstanding.

6 G. 4. c. 50.

For the Regulation of Fairs within Fifteen Miles of *Temple Bar*.

XXII. ' And whereas divers Fairs are held within the City and Vicinity of *London* by Charter or Prescription, and other Fairs without any lawful Authority, which lead to Scenes of Riot, Disorder, Debauchery, and Crime, and it is expedient to regulate such Fairs as are legally held, and to suppress such as have no lawful Origin;' be it therefore enacted, That at all Fairs held within Fifteen Miles of *Temple Bar* all Business and Amusements of all Kinds shall cease at the Hour of Eleven in the Evening, and not recommence earlier than the Hour of Six in the Morning; and that if any House, Shop, Room, Booth, Standing, Tent, Caravan, Waggon, or other Place shall, during the Continuance of any such Fair as aforesaid, be open within the Hours herein-before prohibited, for any Purpose of Business or Amusement in the Place where such Fair shall be held, or within Three hundred Yards thereof, then it shall be lawful for any Constable or other Peace Officer, within his Jurisdiction, to take into Custody the Master or Mistress, or other Person having the Care, Government, or Management of any such House, Shop, Room, Booth, Standing, Tent, Caravan, Waggon, or other Place, and also every Person being therein, and who shall not quit the same forthwith upon being bidden by any such Constable or other Peace Officer so to do, and to convey every such Person so taken, as soon as conveniently may be, before a Justice of the Peace, who shall proceed to hear the Complaint in a summary Way; and every

Penalty on keeping open Houses, &c. within the Hours prohibited, 5*l.* for the Master, and on any Person refusing to quit, 40*s.*

every Person convicted before any such Justice, as the Master, Mistress, or Person having the Care, Government, or Management of any such House, Shop, Room, Booth, Standing, Tent, Caravan, Waggon, or other Place, shall forfeit and pay any Sum not exceeding Five Pounds; and every Person so convicted as having been therein, and not having quitted the same forthwith upon being bidden by a Constable or other Peace Officer so to do, shall forfeit and pay any Sum not exceeding Forty Shillings; and if any Party so convicted shall not immediately pay the Penalty, the Justice shall commit him or her to hard Labour in the House of Correction for any Space of Time not exceeding Three Months, unless the Penalty shall be sooner paid; and if there shall appear to any Two Justices, within their respective Jurisdictions, Reason to believe that any Fair usually held within the Distance of Ten Miles of *Temple Bar* has been held without Charter, Prescription, or other lawful Authority, or that any Fair lawfully held within the said Distance has been usually held for a longer Period than is warranted by Charter, Prescription, or other lawful Authority, it shall be competent to them to summon the Owner or Occupier of the Ground upon which such Fair is usually held to appear before such Justices as may be present at some Petty Sessions, to be held at the Time and Place to be specified in the Summons, not less than Eight Days after the Service of the Summons, to show his Right and Title to hold such Fair, or to hold such Fair beyond a given Period (as the Case may be); and if such Owner or Occupier shall not attend in pursuance of such Summons, or shall not show to the Justices present at such Petty Sessions sufficient Cause to believe that such Fair has been held by lawful Right and Title for the whole Period during which the same has been usually held, such Justices shall declare, in Writing, such Fair to be unlawful, either altogether or beyond a stated Period (as the Case may be), and shall give Notice of such their Declaration, by affixing Copies thereof on the Parish Church, and on the most public Places in and near the Ground where such Fair has been usually held; and if after such Notices shall have been affixed for the Space of Six Days any Attempt shall be made to hold such Fair, if it shall be declared altogether unlawful, or to hold it beyond the prescribed Period, if it shall be declared unlawful beyond a certain Period, any Justice of the Peace within his Jurisdiction may, by his Warrant, direct any Constable or other Peace Officer to remove every Booth, Standing, and Tent, and every Carriage, of whatsoever Kind, conveyed to or being upon such Ground for the Purpose of holding or continuing such Fair, and to take into Custody every Person erecting, pitching, or fixing, or assisting to erect, pitch, or fix, any such Booth, Standing, or Tent, and every Person driving, accompanying, or conveyed in every such Carriage, and every Person resorting to such Ground with any Exhibitions, Shows, Swings, Roundabouts, Whirligigs, or other Instruments of Gambling or Amusement, and to carry every Person so taken before the Justice granting such Warrant, or before some other Justice, who shall proceed to hear the Complaint in a summary Way; and every Person convicted before any such Justice of any of the Offences last aforesaid shall forfeit and pay any Sum not exceeding Ten Pounds; and if the Party so convicted shall not immediately pay

Fairs held without lawful Authority within Ten Miles of Temple Bar may be inquired into.

If declared unlawful, Booths, &c. to be removed.

Penalty not exceeding 10*l*.

On entering into
Recognizance,
Question as to
Right of Title
to Fair may be
tried in the
King's Bench.

pay the Penalty, the Justice shall commit him or her to hard Labour in the House of Correction for any Space of Time not exceeding Three Months unless the Penalty shall be sooner paid: Provided nevertheless, that if the Owner or Occupier of the Ground whereon any such Fair has been usually held shall, when summoned before the Justices at their Petty Sessions as aforesaid, enter into a Recognizance in the penal Sum of Two hundred Pounds, (which Recognizance such Justices are hereby authorized to take,) with Condition to appear in the Court of King's Bench on the First Day of the then next Term, and to answer to any Information in the Nature of a Quo warranto which His Majesty's Attorney or Solicitor General may exhibit against such Owner or Occupier, touching the Right and Title to such Fair, and to abide the Judgment of the Court thereon, and to pay such Costs as may be awarded by the Court, which Costs the said Court is hereby authorized to award, then, notwithstanding the Justices shall declare such Fair to be unlawful, they shall forbear from giving Notice of such their Declaration, and from taking any further Measures thereon, until Judgment shall be given by the said Court against the Right and Title to such Fair; and the Justices taking such Recognizance shall forthwith transmit the same to One of His Majesty's Principal Secretaries of State, to the end that the same may be filed in the said Court, and such further Directions may be given thereon as to such Secretary of State may seem fit and necessary.

Regulations as
to Coffee Shops.

‘ XXIII. And whereas there are many Shops, Rooms, and Places of public Resort, where Thieves, Prostitutes, and other disorderly Persons assemble at Night;’ be it further enacted, That no Shop, Room, or Place of public Resort where ready-made Coffee, Tea, or other Liquors are sold or consumed within the City of *London* or the Liberties thereof, or within the Limits of the Weekly Bills of Mortality, or within any of the Parishes herein-before mentioned, shall be kept open after the Hour of Eleven at Night during any Part of the Year, nor open before the Hour of Four in the Morning between *Lady Day* and *Michaelmas*, or before Five in the Morning between *Michaelmas* and *Lady Day*; and that no Shop, Room, or Place of public Resort where any Refreshments or any Liquors not subject to any Duties of Customs or Excise are consumed within the City of *London* and the Liberties thereof, or within the said Limits and Parishes, shall be kept open after the Hour of One in the Morning or before the Hour of Five in the Morning; and if any such Shop, Room, or Place shall be open within the Hours herein-before respectively prohibited, or being shut up, if any Person shall during those Hours respectively be found therein, except the Person actually dwelling there, or having lawful Excuse for being there, or if Gaming shall be at any Time permitted or suffered therein, then the Master, Mistress, Waiter, or other Person having the Care, Government, or Management of such Shop, Room, or Place, whether he or she be the real Owner or Keeper thereof or not, shall forfeit and pay any Sum not exceeding Ten Pounds upon Conviction of any such Offence before any Justice of the Peace, by Confession or upon the Oath of One or more credible Witness or Witnesses; and if the Party so convicted shall not immediately pay the said Penalty, the Justice shall

Penalty not ex-
ceeding 10l.

commit him or her to hard Labour in the House of Correction for any Space of Time not exceeding Three Months unless the said Penalty shall be sooner paid; and the said Penalty, when paid, shall be distributed, one Moiety to the Informer, and the other Moiety to the Chamberlain of the City of *London*, if the Offence be committed in the said City, and if out of the said City, then to the said Receiver for the Purposes of this Act: Provided always, that nothing herein contained shall apply to or affect any House duly licensed for the Sale of Wines and Spirituous Liquors; and that no such Conviction shall exempt the Owner, Keeper, or Manager of any such Shop, Room, or Place from any Penalty or penal Consequence whereto he or she may be liable for keeping a disorderly House.

Application of
Penalty.

Proviso.

XXIV. And be it further enacted, That if any Person shall, within the City of *London* and Liberties thereof, or within the Limits and Parishes aforesaid, blow any Horn or use any other noisy Instrument, for the Purpose of hawking, selling, or distributing any Article whatsoever, it shall be lawful for any Constable, Headborough, Patrol, Watchman, or other Person to apprehend every Person so offending, and convey him before any Justice of the Peace, who shall proceed to examine upon Oath any Witnesses appearing to give Evidence touching such Offence; and if the Party accused shall be convicted of such Offence, then and in every such Case he shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings; and in case the Offender shall not upon Conviction forthwith pay the Penalty, such Justice is hereby required to commit such Offender to the House of Correction, there to be kept to hard Labour for any Time not exceeding Ten Days, unless the Penalty shall be sooner paid.

Prohibiting the
blowing of
Horns.

Penalty not ex-
ceeding 40s.

XXV. ' And whereas Accidents often happen and Damage is frequently done in Streets and Highways by the Negligence or wilful Misbehaviour of Persons driving Carriages or Vehicles thereon, and the Laws now in force have been found insufficient for the due Protection of His Majesty's Subjects; be it therefore enacted, That if the Driver of any Carriage or Vehicle of any kind whatsoever shall ride upon any such Carriage or Vehicle, or on any of the Horses drawing the same, not having some Person on Foot or on Horseback to guide the same (such Carriages or Vehicles as are commonly driven or conducted by some Person holding the Reins of the Horse or Horses excepted), or if the Driver of any Carriage or Vehicle whatsoever, or any Person riding, shall, by Negligence, wilful Misbehaviour, or any other Misconduct, cause any Hurt or Damage to any Person or Property being upon any Street or Highway, or if the Driver of any Carriage or Vehicle whatsoever shall wilfully be at such Distance from such Carriage or Vehicle that he cannot have the Direction and Government of any Horse or Horses or Cattle drawing the same, not having employed some proper Person to take care of the same, or shall, by Negligence, wilful Misbehaviour, or any other Misconduct, interrupt the free Passage of any other Carriage or Vehicle, or of His Majesty's Subjects, or shall obstruct any Street or Highway, and, being required by any Constable or Peace Officer to pass on or move, shall continue to obstruct the same, every Person so offending in any of the Cases aforesaid within Five Miles of *Temple Bar*,

Negligence or
wilful Misbe-
haviour of
Drivers of Car-
riages, &c. in
the Streets or
Highways.

Penalty not ex-
ceeding 40s.

Compensation
for Hurt or
Damage not ex-
ceeding 5*l*.

and being convicted by any Justice of the Peace of any such Offence, either upon Confession, or by the Oath of a credible Witness, shall for every such Offence forfeit any Sum not exceeding Forty Shillings, and in every Case where any such Hurt or Damage shall have been caused as aforesaid shall further pay such a Sum, not exceeding Five Pounds, as shall appear to the said Justice to be a reasonable Compensation to the Person so aggrieved or injured; and the Evidence of such Person shall be admitted in proof of the Offence: Provided always, that if the Person so aggrieved or injured shall have been the only Witness examined in proof of the Offence, such Sum so ordered as Compensation shall be paid and applied in the same Manner as a Penalty; and in default of Payment of such Penalty and of such Compensation, if ordered, together with the Costs attending such Conviction, immediately or within such Time as such Justice shall appoint, such Justice shall and may commit such Offender to the Common Gaol or House of Correction, to be there imprisoned for any Term not exceeding Two Months, unless such Penalty, together with the Costs and Compensation, if ordered, be sooner paid; and every such Offender shall and may, by the Authority of this Act, with or without any Warrant, be apprehended by any Person who shall see such Offence committed, and shall be immediately conveyed or delivered to a Constable or other Peace Officer in order to be conveyed before some Justice of the Peace.

Empowering
the Court of
Aldermen or
Two Justices to
regulate the
Route and Con-
duct of Persons
driving Stage
Carriages,
Cattle, &c.
during the
Hours of Divine
Service.

XXVI. ' And whereas great Inconvenience has arisen from the
' driving of Stage Carriages, and from the driving of Cattle, Sheep,
' Pigs, and other Animals, in the Streets and Highways of the
' Metropolis during the Hours of Divine Service, and it is expe-
' dient that Regulations should be made for preventing such Inter-
' ruption and Annoyance; be it therefore enacted, That on the
Application of the Minister or Churchwardens of any Church,
Chapel, or other Place of public Worship to the Court of Aldermen
of the City of *London*, if the same shall be situated within the City
of *London* or the Liberties thereof, or to any Two of the Justices
of the said Public Office in *Bow Street*, or to any Two of the
Justices appointed to attend at any of the said Police Offices which
shall be in the Vicinity of such Church or Chapel or Place of public
Worship, if the same shall be situated within the Limits and Parishes
aforesaid, it shall be lawful for the Court of Aldermen, or for such
Two Justices, as the Case may be, to make Rules or Orders for
regulating the Route and Conduct of Persons who shall drive any
Stage Carriage, or who shall drive any Cattle, Sheep, Pigs, or
other Animals within such Parish or Place, during the Hours of
Divine Service on *Sunday, Christmas Day, Good Friday*, or any
Day appointed for a Public Fast or Thanksgiving, and to annex
reasonable Penalties for the Breach of such Rules or Orders, not
exceeding Forty Shillings, with Costs, if ordered, for any such
Offence, provided the same be not repugnant to the Laws of the
Realm, and from Time to Time to alter and amend the same if
necessary; and every Breach of any such Rule or Order shall be
deemed a separate Offence; and any Person who shall offend against
any such Rule or Order shall, on Conviction thereof before any
Justice of the Peace, forfeit and pay such Penalty as shall be
adjudged, and, in default of Payment within such Time as such
Justice

Justice at the Time of Conviction shall appoint, shall be liable to be imprisoned for any Term not exceeding One Month; and any Person committing any Offence against any such Rule or Order may be immediately apprehended, without any Warrant, by any Constable who shall see such Offence committed, and be conveyed before a Justice of the Peace, to be dealt with as herein-before is mentioned; and any Justice of the Peace, on Complaint made to him that any such Offence hath been committed within his Jurisdiction, may issue his Warrant for the Apprehension of any such Offender: Provided always, that when any such Rules or Orders shall have been made by the Court of Aldermen of the City of London, or by any Two Justices as herein-before is mentioned, the same shall be printed, and affixed on the Church, Chapel, or Place of public Worship to which the same shall refer, and in the most conspicuous Places leading to and contiguous thereto, and elsewhere, as the said Court of Aldermen or the said Justices shall direct.

XXVII. And be it further enacted, That no Proprietor of any Stage Carriage duly licensed to carry Passengers for Hire shall be liable to any Penalty for any Deviation from the Route or Line of Route specified in such Licence, which the Driver of such Stage Carriage shall be compelled to make during the Hours of Divine Service by virtue of any Order or Rules made by the Court of Aldermen, or by Two Justices of the Peace, as herein-before is mentioned.

Proprietors of Stage Carriages not liable to Penalties for deviating from Route prescribed in Licence.

XXVIII. 'And whereas an Act passed in the Twenty-first Year of the Reign of King George the Third, intituled *An Act to prevent the Mischiefs that arise from driving Cattle within the Cities of London and Westminster, and Liberties thereof, and Bills of Mortality*, has been found ineffectual for the Prevention of such Mischiefs, and it is expedient to extend the Powers and enlarge the Limits of the said Act;' be it therefore enacted, That all the Powers and Provisions of the said Act shall extend and be in force within the Distance of Five Miles from *Temple Bar*, as fully and effectually as if such Limits had been originally inserted in the said Act; and that if any Person not being employed to drive Cattle shall within the said Limits pelt with Stones, Brickbats, or by any other Means hunt or drive away, or shall set any Dog at any Ox, Heifer, Cow, Steer, or other Cattle, contrary to the Provisions of the said Act, such Person shall, upon being convicted thereof according to the said Act, forfeit and pay, on the First Conviction, any Sum not exceeding Forty Shillings nor less than Twenty Shillings, and on the Second and every future Conviction any Sum not exceeding Five Pounds nor less than Fifty Shillings, to the Person or Persons who shall prosecute such Offender to Conviction, and in default of Payment shall be committed to the Common Gaol or House of Correction, there to be kept to hard Labour for any Time not exceeding Two Months on the First Conviction, nor Five Months on the Second and every future Conviction, in the Manner prescribed by the said Act, unless the Penalty be sooner paid.

Penalty for Bullock-hunting imposed by 21 G. 3. c. 67. increased.

XXIX. 'And whereas divers Places in and about the Metropolis are kept and used for the Purpose of fighting or baiting of Bears or other Animals, at which Places idle and disorderly Persons commonly assemble, to the Interruption of good Order and the Danger of the public Peace;' be it therefore enacted, That any

Penalty for Bear-baiting, Cock-fighting, &c.

Person who shall, within Five Miles of *Temple Bar*, keep or use, or shall act in the Management or conducting of any Premises or Place whatsoever for the Purpose of fighting or baiting of Bears, Cock-fighting, baiting or fighting of Badgers or other Animals, shall, on Conviction thereof before any One Justice of the Peace, forfeit any Sum not exceeding Five Pounds, and in default of immediate Payment shall be liable to be imprisoned and kept to hard Labour for any Time not exceeding Two Months, unless the said Penalty shall be sooner paid.

Form of Conviction for Offences under this Act:

XXX. And be it further enacted, That every Conviction for any Offence mentioned in this Act, except in such Cases where the Form of such Conviction is herein-after provided, may be in the following Form of Words, or some other Form of Words to the like Effect:

‘ County, &c. } **B**E it remembered, That on the Day
 ‘ to wit. } of in the Year of our Lord
 ‘ at *A. B.* is brought before
 ‘ me, [*or*, having been duly summoned, has neglected to appear
 ‘ before me,] *C. D.* Esquire, one of His Majesty’s Justices of the
 ‘ Peace for the County of [*or City or Liberty or*
 ‘ Place, *as the Case may be*,] and is charged before me the said
 ‘ Justice with having [*here describe the Offence*]; and it appearing
 ‘ to me the said Justice, upon the Confession of him the said
 ‘ *A. B.* [*or upon the Oath of a credible Witness, as the Case*
 ‘ *may be*,] that the said *A. B.* is guilty of the said Offence, I do
 ‘ therefore adjudge the said *A. B.* [*insert the Adjudication of the*
 ‘ *Justice*]. Given under my Hand and Seal the Day and Year
 ‘ first above written.’

Constables, &c. may apprehend any suspected Person or reputed Thief in any public Place, or in any Warehouse, &c., and convey him before a Justice, who, if he sees just Ground, may deem him a Rogue and Vagabond under the Act 5 G. 4. c. 83.

XXXI. ‘ And whereas suspected Persons and reputed Thieves frequent the Parks, Fields, Streets, Highways, and Places adjacent, and divers Places of public Resort, and the Avenues leading thereto, within the City of *London* and the Liberties thereof, the Limits of the Weekly Bills of Mortality, and the Parishes afore-said, and also the said River *Thames*, and the Docks and Creeks, Quays and Warehouses, adjacent thereto, and the Streets, Highways, and Avenues leading to the said River, Docks, Creeks, Quays, and Warehouses, with Intent to commit Felony or other Offences; and such Persons also frequently assemble together in Alehouses and Beer Shops, and in Shops, Rooms, and Places of public Resort, where ready-made Coffee or Tea, or other Liquors or any Refreshments or any Liquors not subject to any Duties of Customs or Excise, are consumed, for the Purpose of devising or planning such Felonies or other Offences; and although their evil Purposes are sufficiently manifest, the Power of His Majesty’s Justices of the Peace to demand of them Sureties for their good Behaviour hath not been of sufficient Effect to prevent them from carrying their evil Purposes into execution;’ be it further enacted, That it shall be lawful for any Constable, Headborough, Patrol, Watchman, or other Person to apprehend every such suspected Person or reputed Thief, and convey him or her before any Justice of the Peace; and if it shall appear before the said Justice, upon the Oath of One or more credible Witness or Witnesses, that such Person is a suspected Person or reputed Thief, and such Person shall not be able to give a satisfactory Account of himself

himself or herself, and of his or her Way of Living, and it shall also appear to the Satisfaction of the said Justice that there is just Ground to believe that such Person was in or on any such Place as aforesaid with such Intent or for such Purpose as aforesaid, every such Person shall be deemed a Rogue and Vagabond within the Intent and Meaning of the Statute made in the Fifth Year of His late Majesty King George the Fourth, intituled *An Act for the Punishment of idle and disorderly Persons, and Rogues and Vagabonds, in that Part of Great Britain called England*, and upon Conviction shall be liable to the Punishment inflicted by the said Act on any Person convicted as a Rogue and Vagabond; and in case any Person so convicted shall afterwards be guilty of the like Offence he shall be deemed to be an incorrigible Rogue within the Intent and Meaning of the said Statute, and shall be liable to be proceeded against as such in manner directed by the said Statute.

XXXII. And be it further enacted, That every such Conviction shall be in the Form or to the Effect following, or as near thereto as Circumstances will permit; (that is to say,)

County, &c. } BE it remembered, That on the Day of
to wit. }
at in the County of A. B. is convicted before
me C. D., one of His Majesty's Justices of the Peace for the
County of [or City, &c., as the Case may be,] of being
a Rogue and Vagabond within the Intent and Meaning of the
Statute made in the Fifth Year of the Reign of His late Majesty
King George the Fourth, intituled *An Act for the Punishment of
idle and disorderly Persons, and Rogues and Vagabonds, in that
Part of Great Britain called England*; (that is to say,) for that
the said A. B., on the Day of at
in the said County [here state the Offence proved before the Magis-
trate], and for which said Offence the said A. B. is ordered to be
committed to the Prison, there to be kept to hard
Labour for the Space of . Given under my Hand
and Seal the Day and Year first above written.'

Form of Con-
viction of re-
puted Rogues
and Vagabonds.

And the Justice or Justices of the Peace before whom any such Conviction shall take place shall and he and they is and are hereby required to transmit the said Conviction to the next General or Quarter Sessions of the Peace to be holden in and for the County, Riding, Division, or Place wherein such Conviction shall have taken place, there to be filed and kept on Record; and a Copy of the Conviction so filed, duly certified by the Clerk of the Peace, shall and may be read as Evidence in any Court of Record, or before any Justice or Justices of the Peace acting under the Powers or Provisions of this Act.

XXXIII. And be it further enacted, That no Conviction under this Act for any of the Offences aforesaid shall be quashed or set aside, or adjudged void or insufficient, for Want of Form, nor shall the same be removed by Certiorari into His Majesty's Court of King's Bench; but that in all Cases where the Penalty shall exceed the Sum of Five Pounds or One Month's Imprisonment, if any Person shall think himself aggrieved by such Conviction, such Person may appeal to the Justices of the Peace at the next General or Quarter Sessions of the Peace to be held for the County or City

Conviction not
to be quashed
for Want of
Form, or re-
movable by Cer-
tiorari.

Appeal to
Quarter Ses-
sions, &c.

wherein the Cause of Complaint shall have arisen, such Person at the Time of his Conviction entering into a Recognizance, with Two sufficient Sureties, conditioned personally to appear at the said Sessions to try such Appeal, and to abide the further Judgment of the Justices at such Sessions assembled; and it shall be lawful for the Justice before whom such Conviction has taken place to bind over the Witnesses who shall have been examined in proof of such Offence in sufficient Recognizances to attend and be examined at the hearing of such Appeal, and that every such Witness, on producing a Certificate of his being so bound over under the Hand of such Justice, shall be allowed Compensation for his Time and Trouble and Expences in attending such Appeal, which Compensation shall be paid by the Treasurer of the County in like Manner as in Cases of Misdemeanor according to and under the Provisions of an Act passed in the Seventh Year of the Reign of His late Majesty, intituled *An Act for improving the Administration of Criminal Justice in England*: Provided always, that in case such Appeal shall be dismissed and such Conviction affirmed, the reasonable Expences of all such Witnesses attending as aforesaid, to be ascertained by the Court, shall be paid by the Appellant or Appellants, and the Recognizance or Recognizances so entered into as aforesaid shall be estreated, unless such Expences are so paid by such Appellant or Appellants.

7 G. 4. c. 64.

Penalty for
damaging, &c.
Boats belonging
to Thames
Police.

XXXIV. And be it further enacted, That if any Person shall wilfully destroy or damage or endeavour to destroy or damage, or be wilfully concerned in destroying or damaging or endeavouring to destroy or damage, any Boat or Vessel belonging to or hired or employed by or by the Authority of the Justices appointed to attend at the *Thames* Police Office, or any Part of the Sails, Oars, or other Tackle, Stores, Goods, or Furniture contained in or belonging to any such Boat or Vessel, every Person so offending shall on Conviction thereof before a Justice of the Peace forfeit and pay for every Boat or Vessel so destroyed or damaged or attempted so be destroyed or damaged, or of which any of the Tackle or other Contents shall have been so destroyed or damaged or attempted to be destroyed or damaged, any Sum not exceeding Thirty Pounds, or shall suffer Imprisonment for any Time not exceeding Three Months, over and above any such Damages as may be recoverable by Action at Law against any such Offender.

Surveyors hav-
ing just Cause
to suspect
Felony may
enter on board
Vessels and take
up suspected
Persons.

XXXV. And be it further enacted, That it shall be lawful for every such *Thames* Police Surveyor (subject to the Orders of any of the said Justices appointed to attend the *Thames* Police Office), having just Cause to suspect that any Felony has been or is about to be committed in or on board of any Ship, Hoy, Barge, Lighter, Boat, or other Vessel lying or being in the said River, Docks, or Creeks, to enter at all Times, as well by Night as by Day, into and upon every such Ship, Hoy, Barge, Lighter, Boat, or other Vessel, and therein to take all necessary Measures for the effectual Prevention or Detection of all Felonies which he has just Cause to suspect to have been or to be about to be committed in and upon the said River, Docks, or Creeks, and to apprehend and detain all Persons suspected of being concerned in such Felonies, and also all Property so suspected to be stolen, and the same to produce before some Justice, to be dealt with according to Law.

XXXVI. And

XXXVI. And be it further enacted, That it shall be lawful for every such *Thames* Police Surveyor, at any Time between Sun-rising and Sun-setting, to enter any Ship or Vessel (except His Majesty's Ships) in the said River, Docks, and Creeks, and to search the same for unlawful Quantities of Gunpowder, and also to exercise the same Powers of seizing, removing to proper Places, and detaining all such unlawful Quantities of Gunpowder found on board any such Ship or Vessel, and the Barrels or other Packages in which such Gunpowder shall be, as are given to Persons searching for unlawful Quantities of Gunpowder, under a Warrant of a Justice, by virtue of an Act passed in the Twelfth Year of the Reign of King *George* the Third, intituled *An Act to regulate the making, keeping, and Carriage of Gunpowder within Great Britain, and to repeal the Laws heretofore made for any of those Purposes*.

Unlawful Quantities of Gunpowder may be seized.

12 G. 3. c. 61.

XXXVII. And be it further enacted, That it shall be lawful for any *Thames* Police Surveyor or Constable, or any other Police or Peace Officer within his Jurisdiction, to stop, search, and detain in some Place of Safety any Boat, Craft, or Vessel which there shall be Reason to suspect of having or conveying by Water, and also any Cart or Carriage which there shall be Reason to suspect of having or conveying on Land, any Goods, Matter, or Thing stolen or unlawfully obtained, and also to apprehend, search, and detain any Person who may be reasonably suspected of having or conveying in any Manner any Goods, Matter, or Thing stolen or unlawfully obtained, and to convey every such Person as soon as conveniently may be, together with such Goods, Matter, or Thing, before some Justice of the Peace; and if such Person shall not give an Account to the Satisfaction of such Justice how he or she came by the same, such Person shall be deemed and adjudged guilty of a Misdemeanor, and shall suffer as herein-after mentioned; and such Boat, Craft, or Vessel, Cart or Carriage, shall upon such Conviction be forfeited and disposed of as is herein-after directed.

Boats or Carriages having stolen Property may be searched and detained, and Persons suspected of having such Goods may be taken before a Justice.

XXXVIII. And be it further enacted, That if on Information given on Oath it shall appear to any Justice that there is reasonable Cause for suspecting that any Goods, Matter, or Thing stolen or unlawfully obtained are or is concealed or otherwise lodged in any Dwelling House, Warehouse, Yard, Garden, or any other Place, it shall be lawful for such Justice, by special Warrant under his Hand and Seal, directed to any *Thames* Police Surveyor or Constable as aforesaid, or other Constable within his Jurisdiction, to cause every such Place to be entered and searched at any Time of the Day, or by Night, if Power for that Purpose be especially given in and by such Warrant; and the said Justice, if it shall appear to him necessary, may moreover empower such Surveyor or Constable, with any such Assistance as to the said Justice may appear, or by such Surveyor or Constable may be found necessary (such Surveyor or Constable having previously made known such his Authority), to use Force for the effecting of such Entry, whether by breaking open Doors or otherwise, and if upon Search thereupon made any such Goods, Matter, or Thing shall be found, then to convey the same forthwith to and before a Justice, or to guard the same on the Spot while the Offenders are taken before a Justice, or otherwise dispose thereof in some Place of Safety, subject to the Orders of a Justice in manner above mentioned,

On Information that there is reasonable Cause for suspecting that any Goods, &c. have been unlawfully obtained, and are concealed, how to proceed.

and moreover to apprehend and convey before the said Justice the Person or Persons in whose House, Lodging, or other Place the same shall so have been found, as also every other Person found in such House, Lodging, or Place who shall appear to have been privy to the depositing of such Goods, Matter, or Thing in such Place, knowing or having reasonable Cause to suspect the same to have been stolen or otherwise unlawfully obtained; and if such Person respectively shall not immediately, or within some reasonable Time to be assigned by the Justice, make it appear to the Satisfaction of the Justice by what lawful Means such Goods, Matter, or Thing came to be deposited or situated in such Place as aforesaid without any Default on the Part of such Persons respectively, then and in such Case the Person or Persons in whose House, Lodging, or other Place any such suspected Goods, Matter, or Thing shall have been found, and also every other Person so appearing to have been privy to the depositing thereof, knowing or having Cause to suspect the same to have been stolen, or otherwise unlawfully obtained, shall be deemed and adjudged guilty of a Misdemeanor, and shall suffer as herein-after mentioned.

Party from
whom stolen
Goods are re-
ceived to be ex-
amined by the
Justice.

If Goods are
unlawfully ob-
tained, Party
deemed guilty
of a Misdemeanor.

Possession of
Servant deemed
Possession of
Employer.

Framing a false
Bill of Parcels
to escape De-
tection deemed
a Misdemeanor.

XXXIX. And be it further enacted, That when any Person shall be brought before such Justice charged with having or conveying any such Goods, Matter, or Thing stolen or unlawfully obtained, and shall declare himself or herself to have received the same from some other Person, or to have been employed as a Carrier, Agent, or Servant to convey the same for some other Person, such Justice is hereby authorized and required to cause every such Person, and also, if necessary, every prior or pretended Purchaser, or other Person through whose Possession the same shall have passed, to be brought before him and examined, and to examine Witnesses upon Oath touching the same; and if upon the whole Evidence it shall appear to such Justice that any Person shall have had Possession of such Goods, Matter, or Thing, and have had reasonable Cause to believe the same to have been stolen or unlawfully obtained, every such Person shall be deemed and adjudged guilty of a Misdemeanor, and shall suffer as herein-after mentioned; and every such Person shall be deemed to have had Possession of such Goods, Matter, or Thing at the Time and Place when and where the same shall have been found or seized; and the Possession of a Carrier, Agent, or Servant shall be deemed to be the Possession of the Person who shall have employed such other Person to convey the same.

XL. And be it further enacted, That every Person who, for the Purpose of protecting or preventing any Goods, Matter, or Thing whatsoever from being seized on Suspicion of their being stolen or otherwise unlawfully obtained, or of preventing the same from being produced or made to serve as Evidence of or concerning any Felony or Misdemeanor, shall frame or cause to be framed, or be anywise concerned in framing or causing to be framed, any Bill of Parcels containing any false Statement in regard to the Name or Abode of any alleged Vendor, the Quantity or Quality of any such Goods, Matter, or Thing, the Place from whence or the Conveyance by which the same were furnished, the Price agreed upon or charged for the same, or any other Particular, knowing such Statement to be false, or who shall fraudulently produce such Bill of Parcels knowing

knowing the same to have been fraudulently framed, shall be adjudged guilty of a Misdemeanor, and shall suffer as herein-after mentioned.

XXI. And be it further enacted, That any Person who shall be found in or upon any Canal, Dock, Warehouse, Wharf, Quay, or Bank, or on board any Ship, Vessel, Boat, or Craft, having in his or her Possession any Tube or other Instrument for the Purpose of unlawfully procuring or obtaining any Wine, Spirits, or other Liquors, or having in his or her Possession any Skin, Bladder, or other Material or Utensil, for the Purpose of unlawfully secreting or carrying away any such Wine, Spirits, or other Liquors, and any Person who shall attempt unlawfully to procure or obtain any such Wine, Spirits, or other Liquors, shall be deemed and adjudged guilty of a Misdemeanor, and shall suffer as herein-after mentioned.

Unlawfully possessing Instruments for procuring and carrying away Wine, &c. deemed a Misdemeanor.

XLII. 'And whereas, for the Purpose of increasing the Facility of Depredation, it hath been a common Practice among Persons concerned in the landing and warehousing of Merchandize from on board Ships and Vessels in the said River wilfully to injure and promote the opening and breaking of Casks, Bags, and other Packages, and the spilling of their Contents;' for Remedy thereof be it further enacted, That if any Person employed in the loading, landing, or warehousing of any Goods, or any other Person, shall wilfully or through culpable Negligence or Carelessness cause or suffer, or be concerned in causing or suffering, to be broken, bruised, pierced, started, cut, torn, or otherwise injured any Cask, Box, Chest, Bag, or other Package containing or being designed and prepared for containing any Goods, while on board of any Barge, Lighter, or other Craft lying or being in the said River, or any Dock, Creek, Quay, Wharf, or Landing Place adjacent to the same, or in the Way to or from any Warehouse to or from which such Package shall have been removed, shall be removing, or about to be removed, with Intent that the Contents of such Package or any Part thereof may be spilled or dropped from such Package, every Person so offending shall for every such Offence be deemed and adjudged guilty of a Misdemeanor, and shall suffer as herein-after mentioned.

Breaking, &c. Packages, with an Intent that the Contents may be spilled, deemed a Misdemeanor.

XLIII. And be it further enacted, That if for the Purpose of preventing the Seizure or Discovery of any Materials, Furniture, Stores, or Merchandize belonging to or having been Part of the Cargo of any Ship or Vessel lying in the said River, or the Docks or Creeks adjacent thereto, or of any other Articles unlawfully obtained from any such Ship or Vessel, any such or any other Article shall be wilfully let fall or thrown into the River, or in any other Manner directly or purposely conveyed away or endeavoured to be conveyed away from any Ship, Boat, Barge, Lighter, Craft, Wharf, Quay, or other Landing Place, every Person being party, privy, or accessory to such letting fall, throwing, or conveyance, or to any previous Instructions or premeditated Design so to let fall, throw, or convey away any such Article with any such Purpose as aforesaid, shall be deemed and adjudged guilty of a Misdemeanor, and suffer as herein-after mentioned; and every Thames Police Surveyor, or Constable or other Peace Officer within his Jurisdiction, shall apprehend and detain and forthwith convey such Person before some Justice, and shall also seize and detain

Wilfully letting fall Articles into the Thames, or into a Boat, &c. with fraudulent Intention, deemed a Misdemeanor.

detain any Boat in which such Person shall be found, or out of which any such Article shall be so let fall, thrown, or conveyed away; and upon the Conviction of such Person, such Boat, with her Tackle, Apparel, Furniture, and Loading, shall be forfeited and disposed of as is herein-after directed.

For Offences declared Misdemeanors, and for which no Penalty is appointed, Offenders shall forfeit not exceeding 5*l*. or be imprisoned (with or without hard Labour).

Articles seized to be advertised if Person convicted.

2 G. 3. c. 28.

Offences how to be tried.

XLIV. And be it further enacted, That for every Offence herein-before declared to be a Misdemeanor, or for which no special Penalty is herein-before appointed, the Offender shall, at the Discretion of the Justice before whom the Conviction shall take place, either forfeit and pay any Sum not exceeding Five Pounds, or suffer Imprisonment for any Time not exceeding Two Months, with or without hard Labour, in any Gaol or House of Correction within the Jurisdiction of such Justice; and in case of the Adjudication of a pecuniary Penalty, and Nonpayment thereof, it shall be lawful for such Justice to commit the Offender to any Gaol or House of Correction for the like Term, unless such Penalty shall be sooner paid; and one Moiety of every such pecuniary Penalty, if recovered or adjudged before any Justice or Justices at the said Public Office in *Bow Street*, or at any of the said Police Offices, shall be paid to the said Receiver as aforesaid for the Purposes of this Act, and if recovered or adjudged in the City of *London*, or the Liberties thereof, shall be paid to the Chamberlain of the City of *London* for the Time being; and the other Moiety thereof, under the Direction of the Justice by whom the same shall have been adjudged, shall either be paid and applied to the Use of the Informer alone, or be distributed between such Persons as shall have contributed to the Conviction of the Offender, in such Shares and Proportions as such Justice shall think fit; and that when any Articles shall be seized by virtue of this Act, and the Person in whose Possession the same shall have been found shall be convicted of a Misdemeanor as aforesaid, it shall be lawful for the Justice before whom the Conviction shall take place to cause such Articles to be advertised in some public Newspaper, to the end that Persons having a Right thereto may claim and receive the same within Thirty Days from the Date of such Advertisement, in the Manner and upon the Conditions directed in and by an Act of the Second Year of the Reign of King *George the Third*, intituled *An Act to prevent the committing of Thefts and Frauds by Persons navigating Bum-boats and other Boats upon the River Thames*; and if no Person shall prove his Property and Right to the said Articles within the said Thirty Days, the same shall be sold for the best Price that can reasonably be gotten for the same; and after deducting the Charges, according to the said recited Act, the Residue of the Produce thereof shall be paid to the said Receiver for the Purposes of this Act.

XLV. And be it further enacted, That in every Case in which Complaint shall be made of any Offence by this Act declared to be a Misdemeanor, or of any Offence touching any Boat or Vessel belonging to or hired or employed by the Justices appointed to attend at the *Thames Police Office*, the Matter of such Complaint, if the Offence shall have been committed or the Offender apprehended within the Jurisdiction of the City of *London*, may be heard and determined by the Lord Mayor, Recorder, or one of the Aldermen of the said City, and not elsewhere; but if the Offence shall have been committed or the Offender apprehended out of the

said Jurisdiction, such Complaint may be heard and determined, either by one of the Justices appointed to the *Thames* Police Office as aforesaid, or by any other Justice within whose Jurisdiction the Offence shall have been committed or the Offender apprehended; and every Conviction for any such Offence shall be certified, filed, and entered in such Manner as is directed in and by the said last-recited Act with respect to Convictions under that Act, and may also be drawn up in such Form and Manner, *mutatis mutandis*, as is appointed in and by the same Act; and neither such Conviction nor any Proceeding previous thereto shall be removed by Certiorari or otherwise into any Court of Record, but such Conviction shall be final and conclusive to all Intents and Purposes whatsoever.

XLVI. 'And whereas the Punishments for Misdemeanors provided in and by the said last-recited Act have been found insufficient for the preventing of such Offences;' be it enacted, That every Person who shall be guilty of any of the Offences respectively made and declared to be Misdemeanors in and by the said Act may be punished, at the Discretion of the Justice or Justices by or before whom the Offender shall be convicted, either with the Punishment appointed in and by the said Act, or by such other Punishment as is hereby appointed in Cases of Offences declared to be Misdemeanors by this present Act; and that all the Powers and Provisions of the said last-recited Act respecting the Obstruction of its Execution, and the Commencement and Prosecution of Actions against Justices and their Officers acting thereunder, shall extend to all Things done and to all Persons acting under this Act, as fully as if the same Powers and Provisions were herein repeated and re-enacted.

Misdemeanors underrecited Act 2 G. 3. c. 28. to be punished at the Discretion of the Justice.

XLVII. And be it further enacted, That in all Cases in which it is directed by the said last-recited Act that any Boat, with her Tackle and Appurtenances, which shall be forfeited, shall be burnt and destroyed, it shall be lawful for any Justice before whom any Person shall have been convicted of any Offence whereby any Boat is or should be adjudged to be forfeited under that Act, and also for any Justice by whom any Boat shall be adjudged to be forfeited under this Act, to direct such Boat, with her Tackle and Appurtenances, either to be burnt and destroyed, or to be restored to the Owners thereof, or to be publicly sold, and the Produce of such Sale to be applied in like Manner as other Forfeitures under this Act.

Forfeited Boats, instead of being burnt, may be restored or sold.

XLVIII. And for the more effectual Prevention of Accidents by Fire and other Mischiefs upon the said River, be it further enacted, That if any Master or Commander or other Officer of any Ship or Vessel (except His Majesty's Ships) shall, while such Ship or Vessel shall lie or be in the said River between *Westminster Bridge* and *Blackwall*, keep any Gun on board such Ship or Vessel shotted or loaded with Ball, or cause or permit to be fired or discharged any Gun on board such Ship or Vessel before Sun-rising or after Sun-setting, such Master, Commander, or other Officer shall for every such Gun so kept shotted or loaded forfeit the Sum of Five Shillings, and for every Gun so fired or discharged the Sum of Ten Shillings; and if any Master, Commander, or other Officer of any such Ship or Vessel, or any other Person on board of the same, or any Person on board of any Barge, Lighter, Boat, or other

Penalty on Masters of Vessels between Westminster Bridge and Blackwall having on board Guns loaded with Ball, or discharging Guns before Sun-rising or after Sun-setting, or heating Tar and other combustible Matter on board of Vessels.

other Craft or Vessel, shall, while such Ship, Barge, Lighter, Boat, Craft, or Vessel shall lie or be in the said River between *Westminster Bridge* and *Blackwall*, heat or melt, or cause or permit to be heated or melted, by Fire, Loggerheat Shot, or any other Means, on board any Ship, Barge, Lighter, Boat, Craft, or Vessel whatever, any Pitch, Tar, Rosin, Grease, Tallow, Oil, or other combustible Matter, every Person so offending shall for every such Offence forfeit any Sum not exceeding Five Pounds; and any One of the Justices appointed to attend at the *Thames* Police Office, or any other Justice within his Jurisdiction, is hereby authorized and required, upon any Complaint made in that Behalf within Ten Days next after any such Offence shall have been committed, to summon the Party accused, and also the Witnesses on either Side, or, after Oath made of the Commission of any of the Facts above mentioned by One or more credible Witness or Witnesses, to issue a Warrant to apprehend the Party accused, and upon the Party's Appearance, or Contempt in not appearing (upon the Proof of Notice given), such Justice shall proceed to the Examination of the Witness or Witnesses on Oath, and upon due Proof thereof, either by the voluntary Confession of the Party, or by the Oath of One or more credible Witness or Witnesses, to give Judgment or Sentence; and in case the Party accused shall be convicted of such Offence, it shall and may be lawful for such Justice to commit such Offender to Prison, there to remain for any Time not exceeding the Space of Two Months, unless the Penalty shall be sooner paid.

Disputes about Wages for Labour done on the River, &c. (except by Trinity Ballastmen) to be settled by Justices, provided the Sum in question does not exceed 5*l*.

XLIX. ' And whereas Disputes frequently arise between Barge-men, Lightermen, Watermen, Ballastmen, Coal-whippers, Coal-porters, Sailors, Lumpers, Riggers, Shipwrights, Caulkers, and other Labourers who work for Hire in or upon the said River, and the Docks, Creeks, Wharfs, Quays, and Places adjacent, respecting Wages or Money due to them for Work, and the Owners, Masters, or Commanders of Vessels, and their Agents, and the Owners, Wharfingers, or Occupiers of such Wharfs or Quays, and their Agents, and other Persons employing such Labourers;' be it further enacted, That all Differences, Complaints, and Disputes which shall happen and arise between any Bargemen, Lightermen, Watermen, Ballastmen (except Trinity Ballastmen), Coal-whippers, Coal-porters, Sailors, Lumpers, Riggers, Shipwrights, Caulkers, or other Labourers who work for Hire in or upon the said River, or the Docks, Creeks, Wharfs, Quays, or Places adjacent, and the Owners, Masters, or Commanders of Vessels, or their Agents, on the said River, or the Docks or Creeks thereunto adjoining, or the Owners, Wharfingers, or Occupiers of such Wharfs or Quays, or their Agents or other Employers, respecting Wages or Money due to such Labourers for Work, whether the same Persons be employed for any certain Time, or in any other Manner, shall be heard and determined by the Justices appointed to the *Thames* Police Office, or any One of them, or any other Justice within his Jurisdiction; and every such Justice is hereby empowered to summon before him any such Master or Commander of any Vessel, or any such Owner thereof, or his Agent, or the Owner, Wharfinger, or Occupier of any Wharf or Quay, or their respective Agents, or any other Employer; and if any such Person being so summoned shall refuse or neglect to attend such

such Summons, then every such Justice is hereby empowered to issue his Warrant to bring such Person summoned before him to answer such Complaint, and to examine upon Oath any such Labourer as aforesaid, or any other Witness or Witnesses, touching any such Complaint or Dispute, and to make such Order for Payment of so much Wages to such Labourer as to such Justice shall seem just and reasonable, provided that the Sum ordered do not exceed Five Pounds, besides all reasonable Costs attending the Prosecution of the Complaint, which Costs the Justice is empowered to order; and in case of Refusal to pay, or Nonpayment of any Sum so ordered, by the Space of Twenty-four Hours next after such Determination, such Justice may issue forth his Warrant to levy the same by Distress and Sale of the Goods and Chattels of the Person ordered to pay the same, together with the Charges of such Distress and Sale; and if no sufficient Distress shall be found, such Justice shall commit the Person ordered to make such Payment to Prison for any Time not exceeding One Month, unless the Sum so ordered shall be sooner paid; and every such Order shall be final and conclusive to all Intents and Purposes, and shall not be removable by Certiorari or otherwise into any Court whatsoever.

L. Provided always, and be it further enacted, That nothing herein contained shall extend to authorize or empower any Justice, except the Lord Mayor, Aldermen, and Recorder of the City of *London* for the Time being, or some or One of them, to hear and determine any such Differences, Complaints, or Disputes as shall or may arise for or in respect of any Employment or Work done within the said City of *London*, or the Suburbs and Liberties thereof, or on board of any Ship, Hoy, Barge, Lighter, Boat, or other Vessel lying or being on the North Side of the River, between the Tower of *London* and the Western Extremity of the *Temple*, adjoining *Essex Street* in the County of *Middlesex*.

Jurisdiction for determining Disputes about Wages for Labour done on the Thames, &c;

LI. Provided always, and be it further enacted, That nothing in this Act shall extend to deprive the Lord Mayor and Commonalty and Citizens of the City of *London* of any Right, Privilege, or Jurisdiction heretofore lawfully claimed, exercised, or enjoyed within the Town and Borough of *Southwark* or the Liberties thereof, or to prevent the said Lord Mayor for the Time being, or such of the Aldermen of the said City as have borne the Office of Mayoralty, or the Recorder of the said City for the Time being, from acting as Justices of the Peace within the said Town and Borough of *Southwark* and the Liberties thereof in such and the like Manner as they could or might have done in case this Act had not been made, nor to deprive the Lord Mayor and Commonalty and Citizens of the said City of any Right, Privilege, Immunity, or Jurisdiction which they have heretofore lawfully claimed, exercised, or enjoyed upon the said River, or the Lord Mayor of the said City for the Time being as Conservator of the said River, nor to prevent the said Lord Mayor and the said Aldermen and Recorder of the said City from acting as Justices of the Peace upon the said River, or taking cognizance of Offences committed upon or within the Limits of the same, in such Manner as they might or would have done in case this Act had not been made.

Not to affect the Rights of the City of London, &c.;

LII. Provided also, and be it further enacted, That nothing in this Act shall extend to deprive the Dean and Chapter of the Collegiate Church of *Saint Peter Westminster*, or the High Steward:

nor the Dean or High Steward of Westminster

or High Bailiff of the City and Liberty of *Westminster*, for the Time being, or their respective lawful Deputies, of any Rights, Privileges, or Jurisdictions which they have heretofore lawfully claimed, exercised, or enjoyed within the said City and Liberty, in such and the like Manner as they could or might have done in case this Act had not been made.

Not to affect the Rights of the Trinity House, &c.

LIII. Provided also, and be it further enacted, That nothing in this Act contained shall extend to prejudice or derogate from any of the Rights, Privileges, or Authorities of the Master, Warden, and Assistants of the Guild, Fraternity, or Brotherhood of the Most Glorious and Undivided Trinity, and of *Saint Clement*, in the Parish of *Deptford Strond* in the County of *Kent*.

Commencement and Continuance of Act.

LIV. And be it further enacted, That this Act shall commence and take effect upon the Day next after the Day of the passing thereof, and shall continue until the Fifth Day of *July* in the Year

Repeal of former Acts.

One thousand eight hundred and thirty-six, and from thence until the End of the then next Session of Parliament; and that as soon as this Act shall commence and take effect, an Act passed in the

3 G. 4. c. 55.

Third Year of the Reign of His late Majesty *George* the Fourth, intituled *An Act for the more effectual Administration of the Office of a Justice of the Peace in and near the Metropolis, and for the more effectual Prevention of Depredations on the River Thames and its Vicinity, for Seven Years*; and an Act passed in the Sixth Year

6 G. 4. c. 21.

of the Reign His said late Majesty *George* the Fourth, intituled *An Act to amend an Act for the more effectual Administration of the Office of a Justice of the Peace in and near the Metropolis*; and also

10 G. 4. c. 45.

an Act passed in the Tenth Year of the Reign of His said late Majesty *George* the Fourth, intituled *An Act to continue until the Fifth Day of July One thousand eight hundred and thirty-two an Act for the more effectual Administration of the Office of a Justice of the*

Proviso.

Peace in and near the Metropolis, shall cease and determine; except as to any Offences which may have been committed against any of the said Acts before the Commencement of this Act, and as to any Penalties which may have been incurred under any of the said Acts before the Commencement of this Act, which Offences shall be dealt with and punished, and the Penalties recovered, as if this Act had not been passed; and except also as to any Matters done by any Persons under the Authority of any of the said Acts before the Commencement of this Act, with respect to which every Privilege and Protection given to such Persons by any of the said Acts shall continue in force as if this Act had not been passed.

Justice may summon or apprehend Offender.

LV. And be it further enacted, That it shall be lawful for any Justice of the Peace, on Complaint made to him of any Offence committed against this Act, either to summon or to issue his Warrant for the Apprehension of the Offender, as he shall think fit.

The Word Month to signify Calendar Month.

LVL And be it further enacted, That wherever the Word Month or Months shall occur in this Act, the same shall be deemed and taken to mean a Calendar Month or Calendar Months.

Act may be altered this Session.

LVII. And be it further enacted, That this Act may be amended, altered, or repealed by any Act to be passed in this present Session of Parliament.

Public Act.

LVIII. And be it further enacted, That this Act shall be deemed, adjudged, and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and other Persons whomsoever, without the same being specially pleaded.

CAP. XX.

An Act to indemnify Witnesses who may give Evidence before either House of Parliament touching the Charge of Bribery in the Election of Burgesses to serve in Parliament for the Borough of *Stafford*. [18th June 1833.]

WHEREAS there is Reason to believe that there has been the most notorious, long continued, and general Bribery and Corruption in the Election of Burgesses to serve in Parliament for the Borough of *Stafford*, and that such Bribery and Corruption are likely to continue and be practised in future unless some Means are taken to prevent the same: And whereas a Petition against such Practices at the last Election for the said Borough has been presented to the Commons House of Parliament: And whereas it may be necessary to examine before the Committee to which the said Petition may be referred, or at the Bar of either Houses of Parliament, several Persons; and the Evidence of such Persons may tend to expose them to Penal Consequences: And whereas it is expedient to indemnify such Persons, upon their making such true and faithful Disclosure and Discovery as herein-after mentioned; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That for the more effectually prosecuting the said Inquiry, every Person not having been a Candidate for the said Borough at the last Election, who may have been implicated or engaged in such alleged Bribery and Corruption at or connected with any Election of Members to serve in Parliament for the said Borough of *Stafford*, and who shall be examined as a Witness before either House of Parliament, or any Committee of either House of Parliament, touching such alleged Bribery and Corruption, and who shall upon such Examination make a true and faithful Discovery and Disclosure to the best of his or her Knowledge touching all Acts, Matters, and Things to which he or she shall be so examined, shall be, and he and she is hereby freed, indemnified, and discharged of, from, and against all Penal Actions, Forfeitures, Punishments, Disabilities, and Incapacities, and all Criminal Prosecutions, which he or she may have been or may become liable or subject to, or which he or she may have incurred or may incur at the Suit of His Majesty, His Heirs or Successors, or any other Person, for or by reason or means of or in relation to any Act, Matter, or Thing done or committed by such Person or Persons in respect of such alleged Bribery and Corruption: Provided always, that nothing herein contained shall afford any Indemnity to any Person with respect to any Action for Bribery at the last Election for the said Borough of *Stafford*, which shall have been commenced before the Eighteenth Day of *March* One thousand eight hundred and thirty-three.

All Persons, except Candidates, implicated in Bribery at *Stafford*, who may be examined before either House of Parliament, or any Committee thereof, and who shall make a faithful Disclosure, indemnified.

Not to indemnify against any Action brought before 18th March 1833.

II. Provided also, and be it further enacted, That where any Witness shall be examined before the House of Lords or any Committee of the said House, such Witness shall not be indemnified under this Act unless he or she shall receive from the Lord Chancellor a Certificate in Writing, stating that such Witness has, upon his

Witnesses examined before either House, or both Houses, not to be indemnified unless they shall have

a Certificate from the Lord Chancellor, or from the Speaker or the Chairman of the Committee of the House of Commons.

In case of Action, &c., the Production of the Certificate shall stay the Proceedings.

his or her Examination, made a true and faithful Disclosure touching all Acts and Matters to which he or she has been so examined; and where any Witness shall be examined before the House of Commons, or before any Committee of the said House, such Witness shall not be indemnified under this Act unless he or she shall receive from the Speaker of the House of Commons or the Chairman of such Committee a similar Certificate; and where any Witness shall be examined before the House of Lords or any Committee of the said House, and also before the House of Commons or any Committee of that House, such Witness shall not be indemnified under this Act unless he or she shall receive a Certificate from the Lord Chancellor, and shall also receive a Certificate from the Speaker of the House of Commons or the Chairman of the Committee of the House of Commons, to the same Effect; which said Certificates the Lord Chancellor and the Speaker of the House of Commons, or such Chairman of the Committee of the House of Commons, are respectively hereby authorized to give; and if any Action, Information, or Indictment shall at any Time be pending in any Court for Bribery at the last or any former Election for the Borough of *Stafford*, against any Person or Persons, except as aforesaid, who shall have been so examined as a Witness or Witnesses in manner above mentioned, such Court shall, on the Production and Proof of such Certificate or Certificates, stay the Proceedings in any such Action, Indictment, or Information, and may, in its Discretion, award to any such Person or Persons such Costs as he, she, or they may have been put to by such Action, Information, or Indictment.

CAP. XXI.

An Act to suspend until the End of the next Session of Parliament the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom.

[28th June 1833.]

‘ WHEREAS it is expedient to suspend for a further Period the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom;’ be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all General and Subdivision Meetings relating to the Militia of the United Kingdom, and all Proceedings relating to the procuring any Returns, or preparing or making out Lists for such Militia, or any Parts thereof, or relating to the balloting for or enrolling any Militia Men or Substitutes, or supplying any Vacancies in such Militia, shall cease and remain suspended until the End of the next Session of Parliament, any thing in any Act or Acts to the contrary notwithstanding.

II. Provided always, and be it enacted, That it shall be lawful for His Majesty, by any Order in Council, to direct that any Proceedings shall be had at any Time before the Expiration of such Period as aforesaid, either for the giving of Notices and making Returns and preparing Lists, and also for the proceeding to ballot and enrol Men for the filling up Vacancies in the Militia of the United Kingdom, or any Part thereof, as His Majesty shall deem expedient;

General and Subdivision Meetings relating to the Militia suspended.

Proceedings may be had, during such Suspension, by Order in Council.

expedient; and upon the issuing of any such Order all such Proceedings shall be had for carrying into execution all the Provisions of the Acts in force in *England*, *Scotland*, and *Ireland* respectively, relating to the giving Notices for and Returns of Lists, and for the balloting and enrolling of Men to supply any Vacancies in the Militia, and holding General and Subdivision Meetings for such Purpose, at such Time respectively as shall be expressed in any such Order in Council, or by any Directions given in pursuance thereof to the Lord Lieutenant, or Deputy Lieutenants acting for Lord Lieutenants, of the several Counties, Shires, Ridings, Cities, and Places in *Great Britain*, or to the Governors and Deputy Governors of Counties and Places in *Ireland*, or to the Warden and Special Deputy Wardens of the Stannaries; and all the Provisions of the several Acts in force in *England*, *Scotland*, and *Ireland* respectively, relating to the Militia, and Corps of Miners of *Cornwall* and *Devon*, shall upon any such Order, and Direction given in pursuance thereof, become and be in full Force and be carried into execution at the Period specified in such Order or Direction as aforesaid, with all such Penalties and Forfeitures for any Neglect thereof, as fully as if such Periods had been fixed in the Acts relating to such Militia and Miners.

III. And be it enacted, That this Act, and all the Clauses, Provisions, Directions, and Authorities therein contained, shall be construed to extend to the Warden and Special Deputy Wardens of the Stannaries, and Corps of Miners of *Cornwall* and *Devon*, as fully as if they were respectively and severally repeated in every such Clause, Provision, Direction, and Authority.

Act to extend to
the Stannaries.

CAP. XXII.

An Act to amend the Laws relating to Sewers.

[28th June 1833.]

‘ WHEREAS an Act was passed in the Twenty-third Year of 23 H. 8. c. 5.
 ‘ the Reign of His Majesty King *Henry* the Eighth,
 ‘ concerning Commissions of Sewers to be directed into all Parts
 ‘ within the then Realm of *England*, including the Principality of
 ‘ *Wales*, in the Manner and according to the Form, Tenor, and
 ‘ Effect in the said Act set forth, and which said Act was made
 ‘ perpetual by an Act passed in the Third and Fourth Years of
 ‘ the Reign of His Majesty King *Edward* the Sixth, intituled *An* 3 & 4 Edw. 6.
 ‘ *Act for the Continuance of the Statute of Sewers*, and was amended c. 8.
 ‘ and altered by an Act passed in the Thirteenth Year of the Reign
 ‘ of Her Majesty Queen *Elizabeth*, intituled *An Act for the Com-* 13 Eliz. c. 9.
 ‘ *mission of Sewers*: And whereas great Difficulty, Inconvenience,
 ‘ and Expence are found to arise by reason that the Laws relating
 ‘ to Sewers are in many respects defective: And whereas Doubts
 ‘ have arisen as to the Extent of the Powers given to the Commis-
 ‘ sioners of Sewers by the said recited Acts, and the Commissions
 ‘ issued in pursuance thereof, and particularly as to the legal Mode
 ‘ of conducting Inquiries by means of Juries impanelled and
 ‘ returned by Sheriffs, Bailiffs, and other Returning Officers under
 ‘ the Authority of the said recited Acts, and also as to the legal
 ‘ Power of Courts of Sewers to decree and order new Works to be
 ‘ made and executed for the better defending, draining, sewing,
 ‘ and

‘ and securing the Lands within the Limits of their respective
 ‘ Commissions, and to grant, impose, and levy Rates, Taxes, Scots,
 ‘ or Assessments for or in respect of such new Works, and to
 ‘ decree and order the taking up and borrowing of Money at
 ‘ Interest to repay the Costs and Charges of such new or any
 ‘ extraordinary or other Works, so as to charge and recover of and
 ‘ from the Owners and Occupiers for the Time being of Lands,
 ‘ Tenements, and Hereditaments the Amount of Money so bor-
 ‘ rowed or any Part thereof, and thereby to distribute such Costs
 ‘ and Charges fairly and equitably among the Parties who shall or
 ‘ may from Time to Time receive Benefit or avoid Damage by or
 ‘ from the same: And whereas it is expedient to increase the
 ‘ Amount of Qualification of Commissioners of Sewers, and that
 ‘ other Provisions should be made for the better Execution of the
 ‘ Powers by Law vested or to be vested in Commissioners of Sewers:’

Qualification of
 Commissioners.

May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That no Person who has not already acted as a Commissioner under any Commission of Sewers already issued shall be qualified or capable of becoming or acting as a Commissioner in the Execution of any Commission of Sewers unless such Person shall be, in his own Right or in Right of his Wife, in the actual Possession or Receipt for Life or for a larger Estate of the Rents and Profits of Lands, Tenements, or Hereditaments, situated in the County in which he shall act as a Commissioner, or in any adjoining County, of Freehold or Copyhold Tenure, or held for a Term of not less than Sixty Years absolute, or determinable with a Life or Lives, of the clear yearly Value of One hundred Pounds above Reprizes, or held for a Term of Years originally granted for not less than Twenty-one Years, and of which Ten Years at the least shall then be unexpired, of the clear yearly Value of Two hundred Pounds above Reprizes, or shall be Heir Apparent of a Person possessed of Freehold or Copyhold Lands, Tenements, or Hereditaments, situated in such County as aforesaid, or in any adjoining County, of the clear yearly Value of Two hundred Pounds above Reprizes, or unless such Person shall be the Agent duly appointed by Writing under the Seal of any Body Politic or Corporate, or under the Hand of any Person not being himself present, and acting as a Commissioner in the Execution of the Commission of Sewers under or by virtue of which such Agent shall act, and which Body Politic or Corporate shall for the Time being be in the Receipt of the Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments situated in such County as aforesaid, or in any adjoining County, and which Person making such Appointment shall for the Time being be, in his own Right or in Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments, situated in such County as aforesaid, or any adjoining County, and which Lands, Tenements, or Hereditaments, whether so belonging to such Body Politic or Corporate, or to such other Person, shall be actually taxed under or by virtue of the Commission of Sewers in respect whereof such Agent shall act,

act, and shall be of the clear yearly Value of Three hundred Pounds above Reprizes, or unless such Agent shall, before he acts, deliver his written Appointment to the Clerk to such Commission of Sewers, or his Deputy, to be filed by such Clerk among the Records or Proceedings of the Commissioners acting in the Execution of such Commission: Provided always, that in Cases where Commissions of Sewers run into more than One County, the Qualification herein-before provided may be situated either partly in each of the Counties into which such Commission shall run, or wholly in any One of such Counties: Provided that nothing in this Act contained shall extend to give a Qualification to any Person as Agent after he shall have ceased to be such Agent.

II. And be it further enacted, That if any Person being a Quaker shall have been or shall hereafter be appointed a Commissioner of Sewers, and shall be in other respects qualified according to the Provisions of the said recited Acts and of this Act, it shall be lawful for such Person, on making his solemn Affirmation to the Effect of the Oath prescribed by the said recited Act of the Twenty-third Year of the Reign of King *Henry* the Eighth, before the Person or Persons who for the Time being shall be empowered by Law to administer such Oath, and also upon his making and subscribing the Affirmation directed by this Act, to act as a Commissioner of Sewers, without being subject or liable to any Penalty or Forfeiture imposed by the said last-recited Act for acting without having taken the Oath therein contained.

Quakers may act as Commissioners, upon making an Affirmation.

III. And be it further enacted, That every such Commissioner before he shall act in the Execution of his Office shall, in addition to the Oath prescribed by the said recited Act of the Twenty-third Year of the Reign of King *Henry* the Eighth, (or the Affirmation in lieu thereof substituted by this Act in respect of any Commissioner who shall be a Quaker,) take and subscribe before the Person or Persons who for the Time being shall be authorized to administer the Oath prescribed by the said last-mentioned Act the following Oath, or, being a Quaker, the following Affirmation; *videlicet*,

Oath to be taken by other Commissioners before acting.

‘ I do swear, [*or, being one of the People called Quakers,*
‘ I do solemnly affirm,] That I truly and *bonâ fide* am in my own
‘ Right [*or in the Right of my Wife*] in the actual Possession and
‘ Enjoyment of [*or in the Receipt for Life, or for a larger Estate,*
‘ of the Rents and Profits issuing out of] Lands, Tenements, or
‘ Hereditaments, situate in the County of _____ of Freehold
‘ or Copyhold Tenure, *or* held for a Term of not less than Sixty
‘ Years absolute, or determinable with a Life or Lives, of the clear
‘ yearly Value of One hundred Pounds above Reprizes; *or* held for
‘ the unexpired Term of _____ Years, originally granted for
‘ _____ Years, of the clear yearly Value of Two hundred Pounds
‘ above Reprizes; [*or am Heir Apparent of* _____,
‘ who, to the best of my Knowledge, is seised of Freehold or Copy-
‘ hold Lands, Tenements, or Hereditaments, situate in the County
‘ of _____, of the clear yearly Value of Two hundred
‘ Pounds above Reprizes]; [*or am Agent of* _____, who,
‘ [*or which,*] to the best of my Knowledge, is seised or possessed
‘ in his *or* their own Right] [*or in the Right of his Wife*] of
‘ Freehold or Copyhold Lands, Tenements, or Hereditaments,
‘ situate

' situate in the County of _____, of the clear yearly
' Value of Three hundred Pounds above Reprizes.

' So help me GOD.'

[Or, being a Quaker, omit the Words ' So help me God. ']

Penalty on Per-
sons acting not
qualified.

IV. And be it further enacted, That if any Person who has not already acted as a Commissioner of Sewers shall presume to act as a Commissioner of Sewers, not being qualified as aforesaid, or who shall have ceased to be qualified as aforesaid, or not having taken the Oath, or, being a Quaker, made the solemn Affirmation prescribed by this Act, every Person wilfully so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, Wager of Law, or more than One Impar lance shall be allowed; and the Person so sued or prosecuted shall prove that he is qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor than that such Person had acted as a Commissioner in the Execution of any Commission of Sewers: Provided nevertheless, that no Act or Proceeding touching the Execution of any Commission of Sewers which shall be done or performed by any unqualified Person previously to his being convicted of the Offence of acting without being qualified as herein provided shall be thereby impeached or rendered nugatory, but all such Acts and Proceedings shall be as valid and effectual as if such Person had been duly qualified.

Proceedings not
to be impeached
on account of
Disqualifica-
tion.

Ex officio Com-
missioners not
required to
qualify.

V. Provided always, That any Mayor, Bailiff, or other Officer appointed or authorized to act as a Commissioner under any Commission of Sewers by virtue of his Office shall and may, so long as he shall hold such Office, act as a Commissioner in the Execution of such Commission of Sewers by virtue of such Office, without being qualified as herein-before directed with regard to Commissioners of Sewers in general, and without being required to take and subscribe the Oath or Affirmation herein-before prescribed to be taken by Commissioners of Sewers in general with regard to their Qualification, and without being liable to the Forfeiture or Penalty herein-before imposed upon Commissioners of Sewers in general for acting without being qualified as aforesaid, or without having taken such Oath or Affirmation, any thing herein-before contained to the contrary thereof in anywise notwithstanding: Provided also, that such Mayor, Bailiff, or other Officer shall, before he acts, deliver a Certificate, under the Hand of the Town Clerk or other legal Officer of the Corporation in respect of which such Mayor, Bailiff, or other Officer shall or may act, to the Clerk to the Commission under which he shall so act as aforesaid, certifying that he is the Mayor, Bailiff, or other Officer authorized to act as a Commissioner under such Commission.

Commission to
continue for 10
Years, unless
renewed or re-
pealed by Writ
of Supersedeas.

VI. And be it further enacted, That from and after the passing of this Act all and every Commission and Commissions of Sewers then being in force, or that hereafter shall be granted and made, shall stand and continue in force for the Term of Ten Years next ensuing the Date of every such Commission, notwithstanding any Demise of the Crown of these Realm during the Existence of any such

such Commission or Commissions, unless the same Commission or Commissions be or thereafter shall be repealed or determined by reason of any new Commission in that Behalf made, or by Writ of Supersedeas delivered out of the King's Court of Chancery, discharging any such Commission or Commissions.

VII. And be it further enacted, That all Laws, Acts, Decrees, Constitutions, and Ordinances made or to be made by any Court of Sewers, and duly registered in the Rolls or Books of such Court by the Clerk to the Commission, shall continue in full Force and Effect, notwithstanding the Expiration, Repeal, or other Determination of the Commission under which such Laws, Acts, Decrees, Constitutions, and Ordinances shall have been respectively made, and notwithstanding the same respectively shall not have been ingrossed or written in Parchment, and under the Seals of the Commissioners or any Six of them, and notwithstanding the one Part thereof shall not remain with the Clerk to the Commission, and the other Part in such Place as the said Commissioners or Six of them shall order or appoint, and notwithstanding the same shall not be certified into the King's Court of Chancery, and the King's Royal Assent had thereto respectively, until the same Laws, Acts, Decrees, Constitutions, and Ordinances shall be altered, repealed, or made void by any subsequent Court or Courts of Sewers in those Parts or Limits where the same Laws, Decrees, and Ordinances were or shall be made and ordained, or by any Six of them.

VIII. And be it further enacted, That it shall be lawful for the said Commissioners or any Three or more of them, or for their Clerk upon the Direction in Writing of any Three or more of the said Commissioners, (and which he is hereby required to do on such Direction,) to appoint the First Meeting of the said Commissioners after the passing of this Act at such Time and Place as to them shall seem meet, and of which Meeting Ten clear Days previous Notice shall be given, by Advertisement in some Newspaper of the County, and generally circulated in that District thereof, and it shall be lawful for the said Commissioners from Time to Time to meet at such Time and Place, and to adjourn to meet at any Place or Places and at such Time or Times as the said Commissioners or the major Part of them present at any Meeting shall appoint; and no Order or Determination shall be made unless the major Part of the Commissioners present shall concur therein; and all Acts, Orders, and Proceedings which are directed or authorized to be made, done, or exercised by or before the said Commissioners, and all the Powers and Authorities vested in them, shall and may be made, done, and exercised by the major Part of the Commissioners who shall be present at the said respective Meetings, the whole Number present not being less than Six; and all Acts, Orders, or Proceedings made, done, or executed by or before such Six Commissioners shall have the same Force and Effect and be as binding and conclusive on all Persons, to all Intents and Purposes whatsoever, as fully and effectually as if the same were made, done, or executed by or before the whole of the said Commissioners; and a Chairman shall and may in the first place be appointed at every Meeting by a Majority of the Votes of the Persons present, who in case of an equal Number of Votes (including the Chairman's Vote) shall have the casting or decisive Vote.

Laws, Decrees, and Ordinances to continue in force notwithstanding Expiration of Commission, and although not ingrossed in Parchment, or not certified into the Court of Chancery.

Regulations as to Meetings of Commissioners

Special Meetings on Emergencies may be called on Ten Days Notice.

On certain Occasions Special Meetings may be called by Order of Two Commissioners on a shorter Notice.

Description of Sewers and other Works under the Jurisdiction of Commissioners of Sewers.

Inquiry and Presentment by Jury.

IX. And be it further enacted, That if after any Adjournment of any Meeting of the said Commissioners it shall on any Emergency be considered necessary or advisable that a Special Meeting should be appointed for an earlier Day than the Day for which any Meeting shall stand by Adjournment as aforesaid, then and in such Case it shall be lawful for the said Commissioners or any Three or more of them, or for their Clerk upon the Direction in Writing of any Three or more of the said Commissioners (and which he is hereby required to do on such Direction), to appoint a Special Meeting for an earlier Day, and of which Meeting, and of the Time and Purpose thereof, Ten clear Days previous Notice shall be given by Advertisement in some Newspaper of the County, and generally circulated in that District thereof; and no other Business shall be transacted on any such Special Meeting but that which shall have been specified in such Notice as aforesaid: Provided nevertheless, that in the event of any imminent Danger being apprehended from unusually high Tides or any other Cause, and that in the Judgment of Two or more of the said Commissioners the Exigency of the Case will not admit of the Delay of Ten clear Days previous Notice of a Special Meeting, it shall and may be lawful for any Two or more of the said Commissioners, or for their Clerk upon the Direction in Writing of any Two or more of the said Commissioners (and which he is hereby required to do on such Direction), to convene, by Circular Letter sent to each acting Commissioner, a Special Meeting for as early a Day as the said Two or more Commissioners shall think fit in their Discretion to appoint, such Letters to specify the particular Object for which such Meeting is convened; and no Business shall be transacted thereat but that which strictly relates to such Object.

X. ' And whereas Doubts have arisen as to the Extent of the ' Jurisdiction of Commissioners of Sewers;' be it therefore further enacted and declared, That all Walls, Banks, Culverts, and other Defences whatsoever, whether natural or artificial, situate or being by the Coasts of the Sea, and all Rivers, Streams, Sewers, and Watercourses which now are or hereafter shall or may be navigable, or in which the Tide now does or hereafter shall or may ebb and flow, or which now do or hereafter shall or may directly or indirectly communicate with any such Navigable or Tide River, Stream, or Sewer, and all Walls, Banks, Culverts, Bridges, Dams, Floodgates, and other Works erected or to be erected in, upon, over, or adjoining to any such Rivers, Streams, Sewers, or Watercourses, shall be from henceforth, to all Intents, Constructions, and Purposes, within and subject to the Jurisdiction of Commissioners of Sewers: Provided always, that nothing herein contained shall authorize or empower any Commissioners of Sewers to exercise Authority or Jurisdiction upon or over any Dams, Floodgates, or other Works erected for the Purpose of Ornament, previous to the passing of this Act, in, upon, or over any Rivers, Streams, Ditches, Gutters, Sewers, or Watercourses near or contiguous to any House or Building, or in any Garden, Yard, Paddock, Park, planted Walk, or Avenue to a House, without the Consent in Writing of the Owner or Proprietor thereof respectively first had and obtained.

XI. And be it further enacted, That in all Cases in which any Court of Sewers shall inquire by Jury of or concerning all or any

of the Matters and Things authorized and directed to be inquired into and presented under and by virtue of the said recited Acts, and the Laws of Sewers of old Time accustomed, or of this Act, it shall and may be lawful for Commissioners of Sewers, or any Six or more of them, to issue a Warrant or Precept under their Hands and Seals to the Sheriff, Bailiff, or other Returning Officer or Officers of every County at large, Cinque Port, City, Town, Liberty, Precinct, or Place within the Limits of such Commission, commanding such Sheriff, Bailiff, or other Returning Officer or Officers to impanel, summon, and return, and he and they is and are hereby required, on receiving such Warrant or Precept, to impanel, summon, and return, at such Time and Place as in such Warrant or Precept shall be expressed, a Jury of not exceeding Forty-eight nor less than Eighteen substantial and indifferent Persons within his or their respective Jurisdiction, qualified and usually summoned to serve on Grand Juries in Courts of Sessions of the Peace; and the Persons so to be impanelled, summoned, and returned as aforesaid are hereby required to appear before the said Commissioners at such Court of Sewers to be holden within and for the Limits of any and every such Commission of Sewers, or at some Adjournment thereof, as in such Warrant or Precept shall be directed, and to attend such Court, and at any and every Adjournment thereof, until discharged by the said Court; and the said Jury shall be sworn in open Court before the Commissioners; and shall be charged by them to take their Inquisition, and to make and return their Presentments of and concerning all Matters and Things authorized and directed to be inquired into and presented under and by virtue of the said recited Acts, and the Law of Sewers of old Time accustomed, and of this Act; and the said Jury, being so impanelled, sworn, and charged as aforesaid, shall proceed in their Inquiry before and in the Presence of the Court, upon the Evidence of One or more credible Witness or Witnesses, delivered upon Oath or Affirmation, in the same Manner and Form, and subject to the like Rules of taking and receiving Evidence, as is usual in His Majesty's Courts of Common Law; and the said Commissioners may cause to be summoned to appear before them at the Time and Place of holding their respective Courts of Sewers aforesaid, and at every Adjournment of any Court, all Clerks, Keepers, Bailiffs, Engineers, Surveyors, Collectors, Expenditors, and other their Ministers and Officers of Sewers, and such other Persons as in the Judgment of such Commissioners shall be competent to give proper Evidence and Information to the Court and Jury in the Premises; and Notice of the Time and Place of taking such Inquisition shall be given by affixing to the principal Door of each and every of the Churches and Chapels in the several Parishes, Townships, or Places in which the Rivers, Streams, Ditches, Sewers, Watercourses, Walls, Banks, Culverts, and other Works, Lands, Tenements, and Hereditaments, Common of Pasture and Profit of Fishing, and other Matters and Things to be inquired into or that may be affected thereby, shall lie, be, or arise, or if there be no Church, then to some conspicuous Place within such Parish, Township, or Place, a printed or written Paper specifying such Time and Place of Meeting, and signed by the Clerk to the Court before whom such Inquisition is to be taken,

at least Seven Days before the taking of such Inquisition, and also by inserting, at least Seven Days before the taking thereof, such Notice once at the least in One or more of the Newspapers published or circulated in or near to the Limits of the Commission of Sewers under Authority whereof such Inquisition shall be taken.

In certain Cases of Difference a Jury to be impannelled which shall be composed, Half from the County at large and Half from the minor Jurisdiction.

XII. ' And forasmuch as there are in many Counties at large
' Cities and Towns being Counties of themselves, Cinque Ports,
' Hundreds, Liberties, and Precincts, having Jurisdiction exclusive
' of the Sheriffs, Bailiffs, or other Returning Officers of such
' Counties at large; and it may happen that in the Inquiries and
' Presentments of and concerning any Matters and Things affect-
' ing or relating to Lands or Tenements lying partly in such
' County at large, and partly in such minor Jurisdiction, autho-
' rized and directed to be inquired into and presented under or by
' virtue of the said recited Acts, and the Law of Sewers of old
' Time accustomed, and of this Act, the Jury returned by the
' Sheriff or other Returning Officer of such County at large, and
' the Jury returned by the Sheriff or other Returning Officer of
' such minor Jurisdiction, may come to opposite or different Con-
' clusions, or make opposite or different Presentments of or con-
' cerning such Matters and Things as aforesaid, and in such Case
' the Powers of the Court of Sewers may thereby become ineffec-
' tual or difficult to be carried into effect;' be it therefore enacted,
That in any Case in which a Jury returned by the Sheriff or other
Returning Officer of a County at large, and the Jury returned
by the Sheriff or other Returning Officer of any such minor Juris-
diction, shall, in the Judgment of the said Court, come to opposite
or different Conclusions, or make opposite or different Presentments
of or concerning any Matters or Things affecting or relating to any
Lands or Tenements lying partly in such County at large and partly
in any such City or Town and County of the same, Cinque Port,
Hundred, Liberty, or Precinct within such County at large, it shall
and may be lawful for such Court of Sewers thereupon, or at any
Time thereafter, to issue a Warrant or Precept, as well to the
Sheriff, Bailiff, or other Returning Officer of such County at large,
as to the Sheriff, Bailiff, or other Returning Officer of such City or
Town and County of the same, Cinque Port, Hundred, Liberty,
or Precinct, commanding them respectively to impanel, summon,
and return, and he and they is and are hereby required, on
receiving such respective Warrant or Precept, to impanel, summon,
and return, at such Time and Place (although out of the Juris-
diction of such respective Sheriff, Bailiff, or other Returning
Officer,) as in such Warrant or Precept shall be expressed, a
sufficient Number, not exceeding Eighteen nor less than Nine
substantial and indifferent Persons within his Jurisdiction, and not
having composed Part of the Juries respectively which shall have
previously differed in respect of the Matters or Things aforesaid,
and out of each Panel so to be returned the Names of Nine Persons
shall be drawn by the Clerk of such Court of Sewers or his Deputy
in such Manner as Juries for Trials or Issues joined in His Ma-
jesty's Courts of Record at *Westminster* are by Law directed to be
drawn; and the said Eighteen Jurymen shall thereupon be sworn
and charged to take their Inquisition and to make and return their
Presentment of and concerning the aforesaid Matters and Things,
and

and which Presentment so taken and made shall be as conclusive in all respects as if the same Matters and Things had been inquired of as to Lands or Tenements lying within such County at large by a separate Jury of such County at large, and as to Lands or Tenements lying within such City or Town and County of the same, Cinque Port, Hundred, Liberty, or Precinct, by a separate Jury thereof.

XIII. ' And whereas Doubts have arisen whether a Presentment of a Jury is not necessary on each and every Occasion to repair Defences and Works within the Jurisdiction of Commissioners of Sewers;' be it therefore enacted, That whenever, under any Commission now in force or which shall hereafter issue, a Jury shall have found and presented that any Person, Body Politic or Corporate, is or are liable to and ought to maintain and repair or contribute to the Maintenance and Repair of any Defence, Wall, Bank, Sewer, or other Work within the Jurisdiction of the Commission of Sewers acting under or by virtue of such Commission, in respect of any Lands, Tenements, or Hereditaments, or Common of Pasture, or Profit of Fishing, it shall not afterwards, during the Continuance of such Commission, be necessary to inquire by Jury and obtain a Presentment upon any subsequent Wants of Amendment and Reparation of the same Defences, Walls, Banks, Sewers, or Works, or any of them, but such Person, Body Politic or Corporate, so presented as aforesaid, and the Owners and Occupiers for the Time being of such Lands, Tenements, or Hereditaments, or Common of Pasture, or Profit of Fishing, shall be liable from Time to Time to maintain and repair or contribute to the Maintenance and Repair of such Defences, Walls, Banks, Sewers, and other Works, according to such Presentment; and it shall and may be lawful for the Commissioners of Sewers to decree, order, and direct the same to be maintained and repaired by such Person, Body Politic or Corporate, from Time to Time during the Continuance of such Commission accordingly.

A Presentment of a Jury not to be necessary upon each Occasion to repair.

XIV. And be it further enacted and declared, That it shall be lawful for the said Commissioners to make separate and distinct Rates, as Occasion shall require, for every separate and distinct Level, Valley, or District, or any Part of such Level, Valley, or District, within their respective Commissions, and to fix and specify the Limits of every such Level, Valley, or District, or of any such Part of a Level, Valley, or District, and to appoint Surveyors, Collectors, Treasurers, Expenditors, and other Officers for every such Level, Valley, or District, or any Part thereof respectively, whenever the said Commissioners shall think fit so to do, and to cause separate and distinct Accounts to be kept of all Monies collected and received by virtue of any Rate or Rates which shall be made, under the Authority of the said recited Acts relating to Sewers, or of this Act, upon any Lands or Hereditaments within any such Level, Valley, or District, or any Part thereof respectively, and of all Payments and Disbursements in respect thereof; and the said Commissioners are hereby also authorized to apply the Monies to be collected and received from each distinct Level, Valley, or District, or any Part thereof respectively, by virtue of any such Rate or Rates as aforesaid, to and for the several Purposes to which the same may be lawfully applied under the Authority of the

Rates to be made for every distinct Level or District.

the said recited Acts or of this Act, but so nevertheless that each Level, Valley, or District, and every Part of such Level, Valley, or District, shall bear its own Costs, Charges, and Expences; and in case any such Costs, Charges, and Expences shall apply to or be incurred in respect of Two or more Levels, Valleys, or Districts, or Parts thereof respectively, the same shall be apportioned and divided between such Levels, Valleys, and Districts, or such Parts thereof respectively, in such Manner as the said Commissioners shall adjudge to be fair and equitable.

Nothing herein
to discharge
Persons from
Liability by
Tenure, &c.

XV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to release or discharge any Person, Body Politic or Corporate, from any Liability to which such Person, Body Politic or Corporate, was or were before the passing of this Act subject by reason of Tenure, Frontage, Prescription, Custom, Covenant, or Grant; but in case any such Person, Body Politic or Corporate, shall not keep in good and proper Repair any Walls, Banks, Sewers, Guts, Gotes, Calcies, Tunnels, Culverts, Sluices, Floodgates, Tumbling Bays, Cuts, and other Works, Aids, and Defences to which he, she, or they may be liable by reason of any such Tenure, Frontage, Prescription, Covenant, or Grant, and shall not, after having had Seven Days Notice from the Surveyor, Dikereeve, or other Officer to be appointed by the Court of Sewers for that Purpose, proceed to put the same into good and proper Repair with all reasonable and proper Dispatch, then and in that Case it shall be lawful for such Surveyor, Dikereeve, or Officer to put the same into good and sufficient Repair; and the Expences to be incurred thereby shall be paid by the Person, Body Politic or Corporate, liable to such Repair as aforesaid.

Certain Persons
to be paid for
Expences and
Loss of Time in
executing Com-
missions of
Sewers.

XVI. And be it further enacted and declared, That any Court shall and may, at its Discretion, by and out of the Taxes, Rates, and Scots to be raised under and by virtue of the said recited Acts and this Act, or any or either of them, decree, order, and appoint, pay and allow, to Clerks and other Persons employed by the Court, and also to Witnesses attending to give Evidence before the said Court, either in support of any Presentment or Order of the Court, or in opposition to such Presentment or Order, such Recompence, Sum and Sums of Money, from Time to Time, for their several Expences and Loss of Time, as to the said Court shall seem just, and also all such Costs, Charges, and Expences as shall be incurred in surveying, measuring, planning, and valuing the Lands and Hereditaments, or otherwise preparatory to or in or about the making, collecting, and expending such Taxes, Rates, or Scots as aforesaid, or the hearing of Objections to such Taxes, Rates, or Scots, or in or about the carrying on of any Litigation or Controversy arising out of the Duties imposed on the Courts of Sewers by virtue of the recited Acts or of this Act, and for the Payment of all other necessary Allowances, Charges, and Expences of putting the recited Acts and this Act into execution, and the contingent Expences of working the said Commissions of Sewers respectively.

Nothing in this
Act to preclude
Courts of Sewers
from causing
Inquiry and

XVII. Provided always, and be it enacted, That nothing herein contained shall prevent any Court of Sewers, from Time to Time and at any Time during the Continuance of the Commission of Sewers, from causing Inquiry and Presentments to be made by

Jury

Jury of and concerning the aforesaid Matter and Things, or any other Matter, Cause, or Thing to be inquired into and presented upon, by the Ways and Means herein-before provided, or by such other Ways and Means as they were authorized by ancient Custom and Usage or otherwise to do before the passing of this Act, or to abridge or invalidate any Powers or Authorities usually heretofore exercised by any Commissioners of Sewers in their respective Limits not herein expressly abrogated or altered.

Presentment by
Jury as before.

XVIII. 'And whereas Persons frequently remove from and give up the Possession of Lands, Tenements, and Hereditaments, before deriving the full Benefit of the Outlay of the last Scot or Rate assessed or imposed upon them in respect thereof under or by virtue of the Law of Sewers, and it is just and reasonable that the Persons who succeed them in the Possession thereof should be subject to a Proportion of such Rate;' be it therefore enacted, That where any Person shall come into or occupy any Lands, Tenements, or Hereditaments out of or from which any other Person assessed as aforesaid shall be removed, and also when any Lands, Tenements, or Hereditaments shall at the Time of making such Scot or Rate be empty or unoccupied, then every Person so rated or assessed and removing from, and every Person so coming into or occupying the same, shall be liable to pay such Scot or Rate in proportion to the Time that such Persons respectively occupied the same Lands, Tenements, or Hereditaments, in the same Manner, and under the like Penalty of Distress, as if such Person so removing had not removed, or such Person so coming in or occupying had been originally rated and assessed in such Scot or Rate; and which said Proportion, in case of Dispute between the Parties, shall be ascertained and settled by any Court of Sewers: Provided always, that no outgoing Tenant shall be entitled to have or claim any larger Amount of Rate than shall have been actually paid by him, and not repaid by his Landlord.

Rates to be ap-
portioned be-
tween outgoing
and incoming
Tenants.

XIX. And be it further enacted and declared, That it shall and may be lawful for any Court of Sewers to decree and ordain any new Walls, Banks, Sewers, Guts, Gotes, Calcies, Bridges, Tunnels, Culverts, Sluices, Floodgates, Tumbling Bays, Cuts, or other Works, Aids, and Defences, or any Alteration in the Gauge, Dimension, Course, Direction, or Situation of any old or existing Walls, Banks, Rivers, Sewers, Guts, Gotes, Calcies, Bridges, Tunnels, Culverts, Sluices, Floodgates, Tumbling Bays, Cuts, and other Works, Aids, and Defences to be constructed, made, and done for the more effectually defending and securing any Lands, Tenements, Hereditaments, and Premises within the Jurisdiction of such Court against the Irruption or Overflowing of the Sea, or for draining and carrying off the superfluous Fresh Waters, according to the Wisdom and Discretion of such Court, and also, in like Manner and at their Discretion, to decree and ordain any former Walls or Defences against the Sea, or against any Rivers, Streams, Sewers, or Watercourses within their Commission, to be abandoned and given up, and new Defences and Walls, Banks, Sluices, Floodgates, Tumbling Bays, Cuts, and other Works to be made and continued in lieu thereof; and in every such Case to direct by Inquiry and Presentment of a Jury in what Manner and Proportions the same shall thereafter be repaired and maintained by

Commissioners
authorized to
make and main-
tain new Works.

by the Person, Body Politic or Corporate, deriving Advantage or avoiding Damage thereby or therefrom, having regard to previous Liabilities in respect of the Walls and Defences so to be abandoned and given up.

Not to interfere with Provisions of 16 G. 3. c 62. for preventing of Prejudice to Sandwich Haven in Kent.

XX. Provided always, and be it further enacted, That nothing herein-before contained shall be construed to authorize or empower the Commissioners acting under any Commission of Sewers for the County of *Kent*, or any Limits or District within the same, to decree or ordain any Wall, Bank, Sewer, Gut, Cut, Gote, Calcey, Sluice, Floodgate, Tumbling Bay, or other Work, Aid, or Defence to be constructed, made, or done for conveying the Waters of the River *Stour*, above *Sandwich Bridge* in the County of *Kent*, into the Part of *Sandwich Haven* below the Bridge, or into the Sea at *Pegwell Bay*, not authorized by an Act passed in the Sixteenth Year of the Reign of His late Majesty King *George the Third*, intituled *An Act to enable the Commissioners of Sewers for the several Limits in the Eastern Parts of the County of Kent more effectually to drain and improve the Lands and Grounds within the general Valleys*, or so as in any Manner to affect, alter, or interfere with the Provisions of the said Act for the preventing of Prejudice to *Sandwich Haven*.

No new Works to be made without the Consent of the Owners and Occupiers of Three Fourth Parts in Value of the Lands to be charged.

XXI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize or empower any Court of Sewers to make any new Walls, Banks, Sewers, Guts, Gotes, Calcies, Sluices, Floodgates, Tumbling Bays, Cuts, or other Works, Aids, and Defences, where none have or hath or shall have theretofore been, without the Consent in Writing, certified to such Court of Sewers, of the Owners and Occupiers respectively, or their respective Husbands, Guardians, Trustees, or Feoffees, Committees, Executors, or Administrators of Three Fourth Parts at the least in Value of the Lands and Hereditaments, lying within the Valley, Level, or District proposed to be charged with the Costs and Expences of making and executing such new Works respectively.

Occupiers of Land adjoining Sewers may take away Soil and Weeds from Banks for their own Use.

XXII. And be it further enacted, That it shall and may be lawful for the Occupier for the Time being of Land lying next and adjoining to any River, Sewer, or Watercourse within and subject to the Jurisdiction of Commissioners of Sewers, at any Time within Six Calendar Months from and after any Gravel, Soil, Mud, or Earth shall have been cast or deposited upon the Banks of such River, Sewer, or Watercourse, by the Order of any Surveyor, Bailiff, Expenditor, or other Officer of Sewers, and at any Time within Six Weeks from and after any Rushes, Flags, or other Weeds shall have been cast or deposited upon such Banks as aforesaid, to take and remove for his own Use such Gravel, Soil, Mud, and Earth, and such Rushes, Flags, and Weeds respectively: Provided always, that such Gravel, Soil, Mud, and Earth, and such Rushes, Flags, and Weeds respectively, shall be removed at least Ten Feet from the Land Side of the Banks of such River, Sewer, or Watercourse.

Upon Neglect of Occupiers to remove Soil, Surveyors may remove it.

XXIII. And be it further enacted, That if any such Occupier shall neglect to remove such Gravel, Soil, Mud, or Earth as aforesaid within such Six Calendar Months as aforesaid, or such Rushes, Flags, or other Weeds as aforesaid within such Six Weeks

as aforesaid, for his own Use, then and from thenceforth respectively it shall be lawful for any such Surveyor, Bailiff, Expenditor, or other Officer of Sewers, with Workmen, Horses, Carts, Carriages, Barrows, and other necessary Tools and Implements, at any Time or Times in the Day-time to enter upon the Land of such Occupier, and to take away and remove therefrom such Gravel, Soil, Mud, and Earth, and such Rushes, Flags, and Weeds respectively, and also for such Purposes to pass and repass, at any Time or Times in the Day-time, through and over any other Lands lying between the nearest Highway and the Banks of such River, Sewer, or Watercourse: Provided always, that if the Owner or Occupier of the Land upon which any such Gravel, Soil, Mud, Earth, Rushes, Flags, or Weeds shall have been deposited shall require the Commissioners of Sewers to remove the same, such Commissioners shall, within Six Weeks after such Requisition as aforesaid, cause the same to be removed from and off the said Land.

XXIV. And be it further enacted, That it shall be lawful for any Court of Commissioners of Sewers to treat, contract, and agree with the Owners of and Persons interested in any Messuages, Lands, Tenements, Hereditaments, and Premises, with their Appurtenances, for the Purchase thereof or of any Part thereof, for the Purpose of widening, deepening, strengthening, maintaining, repairing, and amending any Rivers, Streams, Watercourses, Walls, Banks, and other Works, Aids, and Defences within the Jurisdiction of Commissioners of Sewers, and for the Loss or Damage which such Owners or Persons may sustain thereby respectively; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees in Trust, Executors, Administrators, and all other Persons whomsoever, not only for or on behalf of themselves, their Heirs and Successors, but also for or on behalf of the Person entitled in Reversion, Remainder, or Expectancy after them, and for or on behalf of their Cestuique Trusts, whether Femes Covert, Infants, or Issue unborn, Lunatics, Idiots, or other Person whomsoever, and to and for all Femes Covert who are or shall be seized of or interested in their own Right, and to and for every Person whomsoever, who is or shall be possessed of or interested in any such Lands, Tenements, Hereditaments, or Premises, or who shall sustain any Damage as aforesaid, to contract with the said Commissioners for the Sale thereof respectively, or for the Satisfaction to be made for the same, or for such Damage as aforesaid, and by Conveyance to convey unto the said Commissioners all or any of such Messuages, Lands, Tenements, Hereditaments, or Premises, or any Part thereof, for the Purposes aforesaid, in manner herein-after mentioned; and all Contracts, Sales, and Conveyances which shall be so made shall be good, valid, and effectual, to all Intents and Purposes, without Fine or Recovery, and shall be a complete Bar to all Estates Tail, and other Estates, Rights, Titles, Trusts, and Interests whatsoever, any Law, Statute, Usage, Custom, or other Matter to the contrary notwithstanding; and all such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons

Commissioners
authorized to
contract for the
Purchase of
Lands, &c.

Where Persons shall neglect or refuse to treat, &c. Commissioners to issue their Warrants to the Sheriff to impanel a Jury.

I of _____ in consideration of the Sum
of _____ to me paid by Six or more of the Com-
missioners of Sewers acting in and for several Limits [*here describe
the Limits as set forth in the Commission of Sewers*], do hereby
grant and release to the Commissioners of Sewers acting in and
for the said Limits all [*describing the Premises to be conveyed*],
and all my Right, Title, and Interest in and to the same and
every Part thereof, to hold to the said Commissioners, their Suc-
cessors and Assigns for ever, by virtue of the several Acts and
Laws now in force concerning Sewers. In witness whereof I have
hereto set my Hand and Seal this _____ Day of
in the Year of our Lord _____

XXVI. And be it further enacted, That if any such Body Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, or Feoffees, Committees, Executors, Administrators, or any other Person interested in any such Lands, Tenements, Hereditaments, or Premises, or sustaining any Damage as aforesaid, upon Notice to him or them given, or left in Writing at the Dwelling House or Place of Abode of such Person, or of the principal Officer of any such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, or at the House of the Tenant in possession of any such Lands, Tenements, Hereditaments, or Premises, shall, for the Space of Thirty Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every such Case the said Commissioners of Sewers, or any Six or more of them, are hereby empowered from Time to Time to issue out their Warrant or Warrants under their Hands and Seals to the Sheriff, Bailiff, or other Returning Officer of the County or Place wherein the Matter in question shall lie, or if such Sheriff, Bailiff, or other Returning Officer shall be immediately interested in such Matter, then to one of the Coroners of such County or Place, commanding such Sheriff, Bailiff, or other Returning Officer, or Coroner, to impanel, summon, and return a Jury; and the said Sheriff, Bailiff, or other Returning Officer, or Coroner, is hereby required accordingly to impanel, summon, and return Twenty-four Men, qualified according to the Laws of this Realm to be returned for Trials of Issues joined in His Majesty's Courts at *Westminster*; and the Persons so to be impanelled, summoned, and returned are hereby required to come and appear before the Justices of the Peace for the County or Place in which such Lands, Tenements, Hereditaments, or Premises shall lie, or the Matter in question or dispute shall arise, at some Court of General or Quarter Sessions of the Peace to be holden in and for the same County or Place, or at some Adjournment thereof, as in such Warrant or Warrants shall be appointed,

in order that out of them a Jury of Twelve may be sworn, to inquire touching the Matters in question; and in case a sufficient Number of Jurymen shall not appear at such Time and Place, the said Sheriff, Bailiff, or other Returning Officer, or Coroner, shall return other honest and indifferent Men that can speedily be procured to attend that Service, to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of the said Jurymen; and the Clerk of the Peace for the said County or Place, or his Deputy, is hereby empowered and required to summon before the said Justices all such Persons as shall be thought necessary to be examined as Witnesses touching the Matters in question, and may order and authorize the said Jury, or any Six or more of them, to view the Place or Places or Matters in controversy; which Jury (upon their Oaths, to be administered by the said Justices, which Oaths, as also the Oath to such Person as shall be called upon to give Evidence, the said Justices are hereby empowered to administer,) shall inquire of, assess, and ascertain the Sum or Sums of Money to be paid for the Purchase of such Lands, Tenements, or Hereditaments, or the Recompence to be made for Damages that may or shall be sustained as aforesaid, and to settle and ascertain in what Proportions the Sum or Sums of Money so assessed shall be paid to the several Persons interested in the Premises; and the said Justices shall give Judgment for such Purchase Monies or Recompence so to be assessed by such Juries; which said Verdict, and the Judgment thereupon pronounced as aforesaid, shall be binding and conclusive to all Intents and Purposes against all Parties, Bodies Politic, Corporate, and Collegiate, and all Persons whomsoever.

Jury may be challenged.

Witnesses to be summoned, and examined upon Oath.

Jury to assess Damages.

Verdict of the Jury to be binding.

XXVII. Provided always, and be it further enacted, That if any such Sheriff, Bailiff, or other Returning Officer, or Coroner, or his Deputy or Agent, shall make default in the Premises, every such Person shall for every Offence forfeit the Sum of Twenty Pounds; and if any Person so summoned and returned as aforesaid on such Jury shall not appear, or appearing refuse to be sworn, or being sworn refuse to give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act, or if any Person so summoned to give Evidence shall not appear, or appearing refuse to be sworn or examined or to give Evidence, every Person so offending, having no reasonable Excuse, to be allowed by the said Justices, shall for every such Offence forfeit and pay such Sum as the said Justices shall appoint, not exceeding the Sum of Five Pounds for any One Offence.

Commissioners may impose a Fine on Sheriff, Witnesses, &c. making default.

XXVIII. And be it further enacted, That all the Agreements, Contracts, Sales, and Conveyances, and also all Verdicts and Judgments, which shall be made and given in relation to any such Lands, Tenements, and Hereditaments as aforesaid, (such Verdicts and Judgments being certified by the Clerk of the Peace of the County or Place in which such Verdict and Judgment shall have been given,) shall be delivered to and deposited with the Clerk of the Sewers for the County, Limits, or District wherein such Lands, Tenements, or Hereditaments are situate, and shall be filed with the Rolls of the Court or Commissioners of Sewers of such County, Limits, or District; and the same, or a true Copy thereof, shall be admitted as Evidence in all Courts whatsoever; and all Persons shall have

Agreements to be filed with the Clerk of the Sewers.

Liberty

Liberty to inspect the same, and take Copies thereof, upon paying for every such Inspection the Sum of One Shilling, and for every such Copy not exceeding Seventy-two Words the Sum of Four-pence, and so in proportion for any greater Number of Words.

By whom Costs
of Jury and
Witnesses to be
paid.

XXIX. And be it further enacted, That in case any such Jury or Juries shall deliver a Verdict for more Money as a Satisfaction for such Lands, Tenements, or Property, or for any such Loss or Damage, than what shall have been offered by such Commissioners for the same before the summoning or returning the said Jury or Juries, then and in such Case the Costs and Expences of summoning and returning the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the said Commissioners out of the same Fund as the said Purchase or Compensation Money is hereby directed to be paid; and such Costs and Expences shall be ascertained and settled by an Officer of One of His Majesty's Superior Courts of Record at *Westminster*, to be nominated, in case of Dispute, in the County of *Middlesex* by the Lord Chief Justice of the Court of King's Bench, and in every other County by the senior Judge of the Gaol Delivery for the Time being; but if any such Jury or Juries shall deliver a Verdict for no more or for less Money than shall have been offered by the said Commissioners before the summoning such Jury or Juries, then such Costs and Expences (to be ascertained and settled in like Manner) shall be borne and paid by the Person with whom such Commissioners shall have such Controversy or Dispute, and shall and may be levied by Distress and Sale of the Goods and Chattels of the Person liable to pay the same, by Warrant under the Hands and Seals of Two Justices of the Peace for the County or Place within which such Verdict and Judgment shall have been given; and the Overplus (if any), after such Costs and Expences, and the Charges of such Distress and Sale, are deducted, shall be returned, upon Demand, unto the Owner of such Goods and Chattels.

From what
Fund Purchase
and Compensation
Monies are
to be paid.

XXX. And be it further enacted, That every Sum of Money and Recompence to be agreed for or assessed as aforesaid shall be paid for out of any Monies in the Hands of the said Commissioners which may be levied on the Messuages, Tenements, Lands, and Hereditaments which shall receive Benefit or avoid Damage by or from such widening, straightening, deepening, repairing, and amending as aforesaid, or by or from making and maintaining any new Walls, Banks, Sewers, Guts, Gotes, Calcies, Sluices, Floodgates, Cuts, and other Works, Aids, and Defences; and upon Payment to such Parties or Persons, or their Agents, or left at their respective usual Places of Abode, or with the Tenant in possession of such Lands, Tenements, Hereditaments, and Premises, or into the Bank of *England* in manner directed by this Act (as the Case may be), then such Lands, Tenements, Hereditaments, and Premises respectively shall be vested in such Commissioners, and shall and may be taken and used for straightening, widening, deepening, repairing, and amending such Rivers, Streams, Ditches, Gutters, Sewers, and Watercourses, or for making and maintaining any new Walls, Banks, Sewers, Guts, Gotes, Calcies, Sluices, Floodgates, Cuts, and other Works, Aids, and Defences; and all Parties and
Persons

Persons whomsoever shall be divested of all Right and Title to such Lands, Tenements, and Hereditaments.

XXXI. And be it further enacted, That if any Money shall be agreed or assessed to be paid for the Purchase of any Lands, Tenements, or Hereditaments purchased, taken, or used, by virtue of the Powers of this Act, by any Commissioners of Sewers, which shall belong to any Body Politic, Corporate, or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, or for or on behalf of any Infant, Lunatic, Idiot, Feme Covert, Cestuique Trust, or to any other Person whose Lands, Tenements, or Hereditaments are or may be limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of England in the Name and with the Privy of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* the Commissioners of Sewers for whom such Lands, Tenements, or Hereditaments shall be taken, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person who would have been entitled to the Rents and Profits of the said Lands, Tenements, and other Hereditaments, in the Purchase or Redemption of the Land Tax, or in the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the said Money shall, by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid the Dividends and annual produce of the said Consolidated or Reduced Bank Annuities shall

Application of
Compensation
Money exceed-
ing 200*l*.

1 G. 4. c. 35.

from Time to Time be paid, by the Order of the said Court, to the Person who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments to be purchased as aforesaid, in case such Settlement or Purchase were made.

Application of
Compensation
Money when
less than 200*l*.
and not less
than 20*l*.

XXXII. Provided always; and be it further enacted, That if any Money so agreed or assessed to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, belonging to any Corporation, or to any Person under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his Guardian or Committee in Cases of Infancy, Idiotcy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privy of the said Accountant General, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two or more Trustees to be nominated by the Person making such Option, and approved by Six or more of the Commissioners taking such Lands, Tenements, or Hereditaments, such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties, in order that such Principal Money and the Dividends and Interest arising therefrom may be applied in manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Exchequer.

Application of
Compensation
Money when
less than 20*l*.

XXXIII. Provided also, and be it further enacted, That when such Money so agreed or assessed to be paid as before mentioned shall be less than the Sum of Twenty Pounds, then and in every such Case the same shall be applied to the Use of the Person who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used as aforesaid, in such Manner as the said Commissioners, or any Six or more of them, shall think fit; or in case of Lunacy, Idiotcy, or Infancy, then to his Guardian or Committee, to and for the Use and Benefit of such Person so entitled.

Persons in pos-
session to be
deemed lawfully
entitled to the
Premises until
the contrary
shall be shown
to the Court of
Exchequer.

XXXIV. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privy of the Accountant General of the said Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person who shall have been in possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person, or under the Possession of such Person, shall be deemed and taken to have been lawfully entitled to such Land, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Exchequer; and the Dividends or Interest of the Bank Annuities

Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be applied and disposed of accordingly, unless it shall be made to appear to the said Court that such Possession was a wrongful Possession, and that some other Person was lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

XXXV. And be it further enacted, That in case the Person to whom any Sum or Sums of Money shall be assessed or agreed for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners or any Six or more of them, or in case such Person to whom such Sum or Sums of Money shall be so assessed or agreed to be paid as aforesaid cannot be found, or if the Person entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Commissioners, or any Six or more of them, to order the said Sum or Sums of Money so assessed or agreed to be paid as aforesaid to be paid into the Bank of *England* in the Name and with the Privy of the Accountant General of the Court of Exchequer, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court of Exchequer; which said Court of Exchequer, on the Application of any Person making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding, or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the Estate, Title, or Interest of the Person making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier of the Bank of *England* who shall receive such Sum or Sums of Money is hereby required to give a Receipt for the same (mentioning and specifying for what and for whose Use the same is received) to such Person as shall pay any Sum or Sums of Money into the Bank of *England* as aforesaid.

If Compensation Money is refused, or Titles not made, or if Persons to whom Money assessed cannot be found, Money to be paid into the Bank, subject to Order of Court of Exchequer.

XXXVI. Provided always, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Exchequer, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall and may be lawful to and for the said Court of Exchequer to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of the Expences as the said Court shall deem reasonable, together with the necessary Costs and Expences of obtaining such Order, to be paid by the said Commissioners, or any Six or more of them, who shall from Time to Time pay such Sum or Sums of Money for such Purposes as the said Court shall direct; and the said Commissioners shall and may reimburse themselves all such Payments

Court of Exchequer may direct Payment of Expences in Cases where Purchases of other Lands are made.

as shall be so made by them as aforesaid in the Manner directed, and out of the Rates to be raised, levied, and collected for such Purposes respectively, under the Powers and Provisions of the said recited Acts and of this Act.

Houses and
Buildings, &c.
not to be taken
without Con-
sent.

XXXVII. And be it further enacted, That it shall not be lawful for any Court of Sewers, in making any new Walls, Banks, Sewers, Cuts, Gotes, Calcies, Sluices, Floodgates, Tumbling Bays, and other Works, Reparations, Amendments, Aids, and Defences authorized to be made and executed by the said recited Acts and this Act, or any or either of them, to take down, remove, or make use of any House or Building, or any Garden, Yard, or Paddock, or any Park, planted Walk, or Avenue to a House, or any inclosed Ground planted as an Ornament or Shelter to a House, or planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof respectively, or of the Person, Body Politic or Corporate, hereby authorized to sell and convey as aforesaid, first had and obtained.

Vesting Land
in Commission-
ers of Sewers on
Payment of
Purchase
Money.

XXXVIII. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or assessed by such Juries in manner aforesaid, for the Purchase of any such Messuages, Lands, Tenements, Hereditaments, and Premises, or as a Compensation for Losses or Damages, as herein mentioned, to the Proprietor or Proprietors of such Messuages, Lands, Tenements, Hereditaments, and Premises, or to such other Person or Persons, Bodies Politic or Corporate or Collegiate, as shall be interested therein or entitled to receive such Money or Compensation respectively, within Thirty Days next after the same shall be so agreed for or assessed, or upon Payment of such Sum or Sums of Money, within the said Thirty Days, into the Bank of *England*, in manner herein directed and required, for the Use of the Persons entitled thereto, it shall be lawful for the said Commissioners, and their Agents, Servants, and Workmen, to enter upon such Messuages, Lands, Tenements, Hereditaments, and Premises respectively, and thenceforth such Messuages, Lands, Tenements, Hereditaments, and Premises, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person, Bodies Politic, Corporate, or Collegiate, therein, shall become and be vested in the said Commissioners for ever; and such Payment or Tender shall not only bar all Right, Title, Claim, Interest, and Demand of the Person, Bodies Politic, Corporate, or Collegiate, to whom the same shall or ought to have been made, but also shall extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail, and all other Estates in Reversion and Remainder of his or their Issue, and of every other Person, Bodies Politic, Corporate, or Collegiate whomsoever therein.

Enabling Com-
missioners to
sell Lands, &c.
not wanted.

XXXIX. And be it further enacted, That it shall and may be lawful for Commissioners of Sewers, or any Six of them; in whom any Lands and Hereditaments shall be vested by virtue of this Act, to sell and dispose of the same or any Part thereof, either together or in Parcels, as they shall find most convenient and advantageous, to such Person as shall be willing to contract for and purchase the same; and the Money to arise and be produced by the Sale or

Sales which may be made by the said Commissioners of Sewers of any Land or Hereditaments as aforesaid shall be applied to the Purposes of making and maintaining Sewers Works in the Limits; Valley, Level, or District in which such Land or Hereditaments so sold as aforesaid shall lie or be, but the Purchaser thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money: Provided always, that the said Commissioners of Sewers, before they shall sell and dispose of any such Land or Hereditaments, shall first offer to sell the same to the Owner of the adjoining Land or Ground, and an Affidavit made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County, Riding, or Division in which such Land and Hereditaments shall lie, by some Person not interested in the Premises, stating that such Offer was made by or on behalf of the said Commissioners, and that such Offer was not then and thereupon agreed to or was refused by the Person to whom the same was so offered, shall in all Courts whatever be sufficient Evidence and Proof that such Offer was made, and was not agreed to or was refused by the Person to whom such Offer was made (as the Case may be); and in case such Person shall be desirous of purchasing the same, and he and the said Commissioners shall differ and not agree with respect to the Price thereof, in such Case the Price thereof shall be ascertained by a Jury in manner herein-before directed with respect to the disputed Value of Premises to be purchased by Commissioners of Sewers in pursuance of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as herein-before directed with respect to Purchases made by the said Commissioners of Sewers, *mutatis mutandis*.

First Offer to be given to Owners of adjoining Ground.

XL. And be it further enacted, That all such Conveyances of any Lands, Tenements, or Hereditaments to be sold and disposed of by the said Commissioners of Sewers shall be expressed in the following or some similar Form of Words, as the Circumstances of the Case may require:

Form of Conveyance from Commissioners.

'WE, Six of the Commissioners
' of Sewers acting in and for several Limits [*here describe the Limits as set forth in the Commission of Sewers*], in consideration of the Sum of _____ to us paid by _____ of _____ do hereby grant and release to the said _____ all [*describing the Premises to be conveyed*], and all Right, Title, and Interest of the Commissioners of Sewers in and to the same and every Part thereof, to hold unto the said _____ his Heirs, Executors, Administrators, and Assigns for ever. In witness whereof we have hereto set our Hands and Seals this _____ Day of _____ in the Year of our Lord _____.'

XLI. And be it further enacted, That it shall and may be lawful for Courts of Sewers, from Time to Time as Occasion shall require, to borrow and take up at Interest any Sum or Sums of Money for the Purchase of Messuages, Lands, Tenements, or Hereditaments, or for defraying the Costs, Charges, and Expences of any Work or Works required to be done within the respective Limits of their Commission, for making, repairing, and maintaining any Sea Bank, Wall, or other Defence or Defences, against any violent Irruption

Power to borrow and take up Money at Interest for making and maintaining Works.

or Encroachment or apprehended Encroachment of the Sea or Rivers, or for the making and maintaining any new Cut, or for the more effectual and better draining and carrying off the Floods and superfluous Fresh Waters, or for the building, constructing, repairing, amending, renewing, and maintaining any Floodgates, Sluices, Bridges, Dams, or other necessary Works, or for any other Construction, Work, Matter, or Thing which the said Court shall judge necessary or expedient for the more effectual Defence, Security, and Improvement of the Lands, Grounds, Tenements, and Hereditaments within the Jurisdiction of such Court of Sewers; and the Repayment of such Sum and Sums of Money, with Interest, shall and may from Time to Time be secured to the Party lending the same upon or by virtue of a Decree or Ordinance under the Hands and Seals of the Commissioners, or any Six of them, (which Decree and Ordinance they are hereby authorized to make,) charging the Lands, Tenements, and Hereditaments receiving Benefit or avoiding Damage from the said several Works, and the Owners or Occupiers, or Owners and Occupiers for the Time being thereof, with the Payment of such Sum and Sums of Money, with Interest, according to the Proportions and in the Manner returned in and by any Presentment touching or concerning the Costs and Charges of such last-mentioned Works, or the Lands, Grounds, Tenements, and Hereditaments receiving Benefit or avoiding Damage thereby: Provided always nevertheless, that no such Money shall be borrowed or taken up at Interest as aforesaid without the Consent in Writing, certified to the said Commissioners or any Six of them, of the Owners and Occupiers respectively, or their respective Husbands, Guardians, Trustees, or Feoffees, Committees, Executors, or Administrators, of Three Fourth Parts at the least in Value of the Lands and Hereditaments lying within the Valley, Level, or District proposed to be charged with the Repayment thereof: Provided also, that no Person being the Owner for the Time being of any Lands, Tenements, or Hereditaments shall be chargeable or liable, in respect of such Lands, Tenements, or Hereditaments, for or towards any Principal Money borrowed or taken up as aforesaid, with or to the Payment of any greater Sum of Money than One Fifth Part of the Value of such Lands, Tenements, or Hereditaments at the Time of borrowing or taking up the same: Provided also, that it shall be provided, expressed, and declared in and by the said Decree and Ordinance, that the Sum or Sums of Money so borrowed and taken up thereon shall be repaid within a Time to be named in such Decree and Ordinance, not being for a longer Period than Fourteen Years from the making thereof, by equal annual or shorter Instalments, together with Interest on the Sum or Sums so borrowed or taken up, or on such Part thereof as shall from Time to Time remain due and unpaid; and the said last-mentioned Decree and Ordinance shall be and remain in full Force and Effect until such Sum and Sums of Money, and all Interest thereon, shall have been fully paid and satisfied; any thing in the said recited Acts or this Act contained, or any Custom or Usage, to the contrary notwithstanding.

Courts of Sewers
may grant Securities
to Persons
advancing Money,

XLII. And for facilitating the raising, securing, and paying off from Time to Time of the Monies which it may be necessary so to raise and borrow as aforesaid, be it further enacted, That it shall

shall and may be lawful for any Court of Sewers from Time to Time to grant Securities, in the Form of a Certificate, under the Hands and Seals of Six of the said Commissioners, to each Person who shall so advance any Sum of Money as-aforesaid, setting forth the Amount of the Sum borrowed, the Rate of Interest payable for the same, the Periods at which the said Principal Money shall be decreed to be paid off by Instalments, and a general Description of the particular Lands, or, if by Assessment, the District, Limit, or Level in which the Lands are situate, which are to be charged with the Repayment thereof; and that every such Security or Certificate shall be made in the following Words, or by any other Words to the same Purport and Effect:

‘BY virtue of an Act passed in the Third Year of the Reign of His Majesty King William the Fourth, intituled *[here insert the Title of this Act]*, we the undersigned, being Six of the Commissioners *[here insert the general Description of the Commission under which they act]*, in consideration of the Sum of

Form of Security.

of lawful Money of Great Britain to *[here insert the Name of the Receiver of the District]* lent and paid by

do hereby certify, that *[here describe the particular Lands, or, if by Assessment, the Valley, Level, or Limit in which the Lands are situate, which are to be charged,]* are become charged with the Repayment

of the said Sum, in Instalments of One Part on the Day of in every Year, together with Interest on

such Part of the said Principal Money as shall remain unpaid from Time to Time at and after the Rate of Pounds per Centum

per Annum, until the whole thereof shall be repaid; which Sum so lent and advanced by the said is Part of a Capital

Sum of which at a Court of Sewers holden at on the Day of last

was decreed and ordered to be taken up and borrowed for the Purpose of *[here briefly state the general Cause or Object of borrowing the Money]*. In witness whereof we have hereunto set our

Hands and Seals the Day of

XLIII. And be it further enacted, That every Person, Body Politic, Corporate, Collegiate, Aggregate, or Sole, who shall be entitled to the Money thereby secured, and his, her, or their Executors, Administrators, and Successors, may from Time to Time personally, or by Attorney thereunto lawfully authorized, assign or transfer his or their Right, Title, Interest, or Benefit to the said Principal and Interest Money thereby secured to any Person whatsoever, by indorsing on the Back of such Security, in the Presence of One credible Witness, who shall subscribe his Name thereto, the following Words, or Words to the like Effect:

Securities may be transferred.

‘I [or We] *[A. B. of, &c.]*, in consideration of the Sum of to me this Day paid by *[C. D. of, &c.]*, do

Form of Transfer.

hereby transfer the within Certificate of Charge, with all my Right and Title to the Principal Money thereby secured and now remaining due thereon, and to all the Interest Money now due or hereafter to become due, unto his [her or

their] Executors, Administrators, Successors, and Assigns *[as the Case may be.]* Given under my Hand and Seal this

Day of . Witness,

Which Transfer shall be produced and notified to the Clerk for the

Transfers to be produced to

Clerk to Commissioners, and to be registered by him.

Time being of the said Commissioners before the Party holding the same Transfer shall be entitled to receive any Principal or Interest due or owing as aforesaid; and every such Clerk shall make an Entry amongst the Records of the said Commissioners of the Particulars of every such Transfer, and indorse a Minute of such Entry upon the Back of every such Transfer, signed by such Clerk, and for which Entry and Minute he shall be entitled to a Fee of Five Shillings, and no more.

Courts of Sewers may be held out of the Limits of the Commission.

XLIV. 'And whereas it has been found in some Instances difficult or inconvenient to hold Courts of Sewers within the Limits or Districts of the Commission under or by virtue whereof such Courts have been held, by reason that no House or other sufficient Building could be procured within such Limits or Districts;' be it therefore further enacted, That it shall and may be lawful for Commissioners acting under any Commission of Sewers to hold Courts of Sewers at any Place not being at a greater Distance than Five Miles from the Limits or Districts of such Commission.

All Acts of Commissioners done without the District of the Commission, but within Five Miles thereof, to be valid.

XLV. And be it further enacted, That all Laws, Acts, Decrees, Constitutions, and Ordinances heretofore made, done, decreed, and ordained at or by any Court of Sewers holden without the Limits or District of the Commission under or by virtue whereof such Court has been holden, but within Five Miles of the Limits or District of such Commission, shall be and they are hereby declared to be as valid and legal, and shall henceforth be and remain in as full force and virtue, as if the same Laws, Acts, Decrees, Constitutions, and Ordinances had been made, done, decreed, and ordained at a Court of Sewers holden within the Limits or District of the Commission under or by virtue whereof such Court was holden; any Statute, Law, Usage, or Custom to the contrary notwithstanding.

Several Defaults may be included in One Presentment, and separately traversed.

XLVI. 'And whereas in many Cases the Burthen of supporting, repairing, and maintaining a common Sea Wall, Bank, Sewer, or other Work may be divided among divers Persons, each of whom may be liable to the Repair of a certain Portion thereof;' and in order to avoid the Necessity of presenting each such Person separately in respect of the Nonrepair of such common Sea Wall, Bank, Sewer, or other Work, be it further enacted, That it shall be lawful for any Sewers Jury, Bailiff, Surveyor, Expenditor, or other Person to present the whole of such Sea Wall, Bank, Sewer, or other Work respectively, or such Part thereof respectively as shall at any Time be out of repair or require cleansing, and to allege in such Presentment what Persons or Bodies Politic or Corporate are liable to the Repair thereof, and also to specify what Part or Portion of such Sea Wall, Bank, Sewer, or other Work each such Person, Body Politic or Corporate, is bound or liable to repair, without making a separate and distinct Presentment against each such Person or Body Politic or Corporate; and upon Twenty-eight Days Notice of such Presentment to be left with, or at the last or usual Place of Abode or Office of such Person, Body Politic or Corporate, each such Person, Body Politic or Corporate, shall be at liberty to traverse the Allegation contained in such Presentment as to his Liability to the Repair of such Part of such Sea Wall, Bank, Sewer, or other Work as in such Presentment is alleged against him; and Trial of such Traverse shall be thereupon had as if

if such Presentment had been solely and exclusively made against such Person, Body Politic or Corporate, so traversing the same as aforesaid.

XLVII. And be it further enacted, That the Property of and in all Lands, Tenements, Hereditaments, Buildings, Erections, Works, and other Things which shall have been or shall hereafter be purchased, obtained, erected, constructed, and made by or by the Order of, or which are or shall be within or under the View, Cognizance, or Management of any Commissioners of Sewers, with the several Conveniences and Appurtenances thereunto respectively belonging, and also all and singular the Goods, Tools, Utensils, Materials, and Things whatsoever had and to be had, bought, procured, or provided by or by the Order of, or which are or shall be within or under the View, Cognizance, or Management of such Commissioners, shall be and the same are hereby vested in the Commissioners of Sewers within or under whose View, Cognizance, or Management such Lands, Tenements, Hereditaments, Buildings, Erections, Works, Goods, Tools, Utensils, Materials, and Things shall respectively be, who are hereby empowered to bring or cause to be brought any Action or Actions, or to prefer or order the preferring of any Bill or Bills of Indictment, against any Person who shall dig up, break or pull down, damage, destroy, injure, spoil, steal, take or carry away, or wilfully and wrongfully buy or receive, any such Lands, Tenements, Hereditaments, Buildings, Erections, Works, Goods, Tools, Utensils, Materials, and Things whatsoever as aforesaid, or any Part thereof; and in every such Action and Indictment the said Lands, Tenements, Hereditaments, Buildings, Erections, Works, Goods, Tools, Utensils, Materials, and Things shall be laid or described to be the Property of the said Commissioners, without stating or specifying the Name or Names of all or any of such Commissioners.

Property in
Lands, Build-
ings, Goods, &c.
vested in Com-
missioners.

14 June 1834

XLVIII. And be it further enacted, That every Clerk, Treasurer, Collector, Receiver, and other Officer appointed and to be appointed by any Court of Sewers shall, as often as required by such Court, render and give to the said Court, or to such Person as it shall for that Purpose appoint, a true, exact, and perfect Account in Writing under their respective Hands, and produce and deliver unto the said Court, or to such Person as aforesaid, proper Vouchers of and for all Monies which they shall respectively before the Time of rendering such Accounts have received, paid, and disbursed for or on account or by reason of their respective Offices; and in case any Money so received by any such Officer shall remain in his Hands, the same shall be paid by him to such Person as the said Court shall authorize and empower to receive the same; and if any such Officer shall refuse or wilfully neglect to render and give such Account, or to produce and deliver up such Vouchers, or shall, for the Space of Fourteen Days after being thereunto required by the said Court, refuse or neglect to render, give, produce, and deliver up to them, or to such Person as they shall direct or appoint, such true and perfect Account, and all or any such Vouchers as aforesaid, and all or any Books, Papers, Writings, Matters, and Things in his Hands, Custody, or Power, it shall and may be lawful for the said Court, in a summary Way, to cause such Money as shall appear to be due and unpaid from such

Officers to
account when
required.

such Officer to be levied by Distress and Sale of the Goods and Chattels of such Officer, rendering to such Officer the Overplus (if any), on Demand after Payment of the Money remaining due, and deducting the Charges and Expences of making such Distress and Sale; and if sufficient Distress cannot be found, or if any such Officer shall refuse or wilfully neglect to render such Account, or to deliver up all or any Vouchers, Books, Papers, Writings, Matters, or Things in his Custody or Power relating to the Execution of his Office, the said Court shall or may commit him to any House of Correction or Common Gaol of the County, City, or Liberty in which such Court of Sewers shall have Jurisdiction, there to remain without Bail or Mainprize until he shall have made and given a true and perfect Account, and shall have delivered up the Vouchers relating thereto, and shall have paid the Money (if any) remaining in his Hands as aforesaid, according to the Directions of the said Court, or shall have compounded with the said Court for such Money, and paid such Composition according to their Direction (which Composition the said Court is hereby empowered to make and receive), or until he shall have delivered up all such Books, Papers, and Writings, Matters and Things as aforesaid, or have given Satisfaction to the said Court concerning the same; but no such Officer who shall be committed on account of his not having sufficient Goods and Chattels as aforesaid shall be detained in Prison by virtue of this Act for any longer Time than Six Calendar Months.

Removing
Officer from the
Possession of
the Property of
Courts of
Sewers.

XLIX. And be it further enacted, That if any Officer or Servant of any Court of Sewers who shall be by such Court discharged from his Office shall be in possession of any Houses, Buildings, Lands, Floodgates, Sluices, Dams, Works, Materials, Tools, or Implements so belonging to or vested in any such Commissioners of Sewers as aforesaid, and shall refuse to deliver up the Possession thereof within Two Days after Notice of his being discharged and of his being required to deliver up the same shall be given to him, or left at his last or most usual Place of Abode, or if the Wife, Widow, Family, or Representatives of any such Officer or Servant who shall happen to die shall, after like Notice given to her, them, any or either of them, refuse to deliver up possession of the same within the like Time after she, they, or either of them shall be required so to do, then and in either of the said Cases it shall and may be lawful for any such Court of Sewers for the County, Limits, or District wherein the same Property, Matter, or Thing refused to be delivered up may be, by Warrant under the Hands and Seals of Six Commissioners of Sewers for the County, Limits, or District, to order a Constable or other Peace Officer, with such Assistance as shall be deemed necessary, to enter any such Houses, Buildings, Lands, Floodgates, Sluices, Dams, or other Works so refused to be delivered up, in the Day-time, and to remove the Persons who shall be found therein, together with their Goods, out of such Premises, and also to take possession of the same, and of all such other Property, Matters, and Things belonging to or vested in the said Commissioners of Sewers as shall be so refused to be delivered up as aforesaid, and to put the said Commissioners, or their Officer or Servant, in possession thereof.

Courts of
Sewers may
take Security

L. And be it further enacted, That it shall be lawful for any Court of Sewers to take such Security from every Treasurer, Receiver,

Receiver, Collector, Expenditor, and other Ministers and Officers, as to such Court shall seem meet, for the just and faithful Execution of such Office or Trust, and such Security shall be given by Bond or Bonds to the Clerk for the Time being to the said Commissioners of Sewers; and in case of Forfeiture it shall be lawful for the said Court of Sewers to sue upon such Bond or Bonds in the Name of the Clerk to the said Commissioners of Sewers for the Time being, and to carry on such Suit at the Costs and Charges and for the Use and Benefit of the Fund for the Security of which such Bond or Bonds shall have been taken, fully indemnifying and saving harmless such Clerk from all Costs and Charges in respect of such Suit from and out of such Fund; and no Action or Suit to be brought or commenced in the Name of the Clerk in the Manner aforesaid shall abate or be discontinued by the Death, Resignation, or Removal of such Clerk, or by the Expiration of any Commission of Sewers or other Authority under which the said Clerk may act as aforesaid.

from Officers
and sue for
Forfeitures.

LI. And be it further enacted, That it shall not be lawful for any Court of Sewer to continue or appoint the Person who hath been or who may be appointed their Clerk in the Execution of any Commission of Sewers, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk, or the Clerk or other Person in the Service or Employ of the Partner of such Clerk, the Treasurer for the Purposes of the said recited Acts or of this Act, or to continue or appoint any Person who hath been or who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer, or the Clerk or other Person in the Service or Employ of the Partner of such Treasurer, the Clerk of the said Commissioners; and if any Person shall continue in or accept both the Offices of Clerk and Treasurer in the Execution of any Commission of Sewers, or if any Person being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, shall continue in or accept the Office of Treasurer, or shall act as Deputy of such Treasurer, or shall in any Manner officiate for such Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall continue in or accept the Office of Clerk in the Execution of any Commission of Sewers, or shall act as Deputy of such Clerk, or shall in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place of Profit or Trust under such Court of Sewers other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no *Essoign*, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Treasurer and
Clerk not to be
the same Person.

LII. And for the better carrying into execution the Powers and Authorities of the said Commissioners of Sewers, be it further enacted, That all and every Chief and Petty Constables, Headboroughs, and Tithingmen, or by whatsoever other Name or Names such

Constables to
obey Orders of
Commissioners.

‘ [Amerciament, Penalty, or Forfeiture, as the Case may be,] that
 ‘ the said hath neglected or omitted to pay when
 ‘ demanded of him: These are therefore to authorize and command
 ‘ you, any or either of you, to levy the said Sum of
 ‘ by Distress and Sale of the Goods and Chattels of the said
 ‘ together with the Costs and Charges of such
 ‘ Distress and Sale, rendering the Overplus, if any, to the said
 ‘ Given under our Hands and Seals the
 ‘ Day of in the Year of our Lord One thousand eight
 ‘ hundred and .’

LV. And be it further enacted, That in all and singular the
 Orders, Decrees, or other Proceedings hereafter to be made
 touching or concerning any Matter or Thing within the Juris-
 diction of any Court of Sewers, it shall and may be lawful to and
 for any such Court of Sewers to order and decree that the Costs,
 Charges, and Expences of and incidental to the making and put-
 ting in force such Order or Decree, Orders or Decrees, shall be
 paid and borne by the Person, Body Politic or Corporate, upon
 or against whom, or by reason of whose Default, or for whose
 Benefit, such Order or Decree, Orders or Decrees, shall respec-
 tively be made, which Costs, Charges, and Expences shall and may
 be ascertained and settled by or by the Authority of any such Court
 of Sewers; and when any such Costs, Charges, and Expences shall
 be ordered and decreed to be paid as aforesaid, and such Order
 or Decree, Orders or Decrees, shall not be previously altered,
 reversed, or quashed by or at any subsequent Court of Sewers, or
 by any other Court or Courts, upon Removal of the same by
 Certiorari or otherwise, the same Costs, Charges, and Expences
 shall and may, at any Time after the Court of Sewers immediately
 following the granting or passing of such Orders or Decrees respec-
 tively, such Court being at the Distance of Twenty-one Days
 at the least from the Service of such Orders or Decrees respectively,
 be levied and raised, together with the Costs and Charges of raising
 and levying the same, by Distress and Sale of the Goods and
 Chattels of the Person, Body Politic or Corporate, by whom the
 same shall or may respectively be ordered or decreed to be paid
 as aforesaid, by the Bailiff, Expenditor, Surveyor, or other known
 Officers of the said Commissioners of Sewers for the Time being,
 or by any Constable or Peace Officer or any other Person to be
 named in and by such Orders or Decrees respectively, without any
 further Order or Decree of the said Court of Sewers: Provided
 always, that if no such Distress or Distresses as aforesaid can be
 found, the same Costs, Charges, and Expences, together with the
 Costs and Charges of raising and levying the same, shall and may
 be raised and levied upon and out of the Lands, Tenements, and
 Hereditaments, within the Limits of the Commission under and by
 virtue of which the same Orders and Decrees shall respectively be
 made, of or belonging to the Person, Body Politic or Corporate,
 upon or against whom such Orders and Decrees shall respectively
 be made, in such and the same Manner as the same would have
 been leviable if the same Lands, Tenements, or Hereditaments had
 been lawfully assessed in the Amount or respective Amounts of the
 same Costs, Charges, and Expences to or for a lawful Scot, Rate,
 or Assessment for the Purposes of the same Commission, and the
 same

Commissioners
 may decree and
 assess Costs;

and in Default
 of Distress may
 raise the same
 upon the Lands
 of the Defaulters.

same Lands, Tenements, and Hereditaments shall be subject to all such and the same Orders and Decrees as the same would have been subject to, and such Orders and Decrees shall be of the same Force and Authority as if the same Costs, Charges, and Expences were a lawful Scot, Rate, or Assessment as aforesaid, and unpaid.

Appropriation
of Costs when
levied.

LVI. Provided also, and be it further enacted, That all and every Sum and Sums of Money which shall or may be raised or levied by or for the Costs, Charges, and Expences of any Officer of Sewers as aforesaid shall be paid into the Hands of the Treasurer or Expenditor of the said Commissioners acting for the District in or for which the Orders or Decrees shall respectively be made, and shall be paid, applied, and disposed of, so far as the same will extend, in defraying and reimbursing the Costs, Charges, and Expences which shall have been so incurred as aforesaid, subject to such Order and Disposition of the said Commissioners as they or any Six or more of them shall deem to be just and reasonable.

Commissioners
of Sewers may
sue and be sued
in the Name of
their Clerk.

LVII. And be it further enacted, That Commissioners of Sewers may sue and be sued at Law or in Equity for or concerning any Matter or Thing whatever, or for or relating to the Lands and Hereditaments or other Property vested or to become so vested in them as aforesaid, or to any River, Stream, Sewer, Wall, Bank, or other Work or Matter within or under the View, Cognizance, Management, or Jurisdiction of such Commissioners, in the Name of any One Commissioner, or in the Name of their Clerk for the Time being; and in any Action or Actions of Ejectment which shall or may be brought or prosecuted by the said Commissioners for recovering the Possession of such Houses, Buildings, or other Property so vested in them as aforesaid, it shall be sufficient to lay the Demise in such Action or Actions in the Names of Six Commissioners, or in the Name of such Clerk; and no Action or Suit to be brought or commenced by or against the said Commissioners or the said Clerk in manner aforesaid shall abate or be discontinued by the Death, Resignation, or Removal of such Commissioners or of such Clerk, or by the Expiration of any Commission of Sewers or other Authority under which the said Commissioners or Clerk may act as aforesaid; provided that no Execution shall issue or be had in any such Action or Suit against such Commissioners or Clerk until Six Months shall have elapsed after final Judgment in such Action or Suit shall have been obtained.

Clerks and Com-
missioners to be
reimbursed.

LVIII. Provided always, and be it further enacted, That every such Clerk in whose Name any such Action or Suit shall be brought, commenced, or sued, and every such Commissioner of Sewers whose Name shall be used in any Bill, Information, Prosecution, or Indictment, in pursuance of this Act, and that every such Commissioner of Sewers in whose Name the said Commissioners shall so sue or be sued as aforesaid, shall be fully reimbursed and paid all such Costs, Charges, Damages, and Expences as by the event or in consequence of any such Action, Suit, Bill, Information, Indictment, or Prosecution he shall pay, sustain, or be put unto, or become chargeable with or liable to, by reason of his being Plaintiff or Defendant as aforesaid, or his Name being used as aforesaid, by and out of the Monies that shall be in or come to the Hands of the said Clerk or of the Treasurer or Expenditor for the Time being as such Clerk, Treasurer, Expenditor, or by and out of the Monies to arise and be collected

collected by a Scot, Rate, or Tax to be granted, raised, and levied, under the Authority and Direction of the said Commissioners of Sewers having Authority to raise and levy such Scot, Rate, or Tax, or such of them as shall be authorized to act on behalf of themselves and the others, as the Case may be, on the scotable, rateable, or taxable Lands, Tenements, and Hereditaments, the District for which he or they so acts or act, or hath or have acted as Clerk as aforesaid, or for which he is so authorized to act as aforesaid; and which said Scot, Rate, or Tax may be levied and raised under and by virtue of this Act for the Purposes aforesaid.

LIX. Provided always, and be it further enacted, That the Clerk being the Plaintiff, Prosecutor, or Defendant in any such Actions, Suits, Proceedings, Prosecutions, or Indictments as aforesaid shall not affect the Competency of such Clerk to be a Witness in any such Actions, Suits, Prosecutions, and Indictments, in the same Manner as he might have been if his Name had not been made use of as the Plaintiff, Prosecutor, or Defendant in any such Actions, Suits, Proceedings, Prosecutions, or Indictments.

Clerk, being Plaintiff, may be a Witness.

LX. And be it further enacted, That the Words " Court " and " Court of Sewers " in this Act shall respectively be deemed to mean every Court, Sessions, Assemblage, or Meeting of any Six or more Commissioners of Sewers (Three whereof being of the Quorum) named in any Commission of Sewers, and acting in the Execution thereof; and wherever in this Act any Word or Words is or are used or employed importing the Singular Number or the Masculine Gender only, such Word or Words shall extend to and shall be construed to include several Persons as well as one Person, and Females as well as Males, and a Body or Bodies Politic, Corporate, or Collegiate Corporation or Corporations Aggregate or Sole, as well as Individuals, unless it be otherwise specially directed or provided for.

Rule for the Interpretation of certain Words and Terms of this Act.

LXI. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to affect, alter, abridge, or interfere with any Local or Private Act of Parliament for Sewers concerning any County, City, Town, District, Lands, or Limits, or any Commission of Sewers in the County of *Middlesex*, within the Distance of Ten Miles from the *Royal Exchange* in the City of *London*, except such Parts of the said County as may lie within any Commission of Sewers of the County of *Essex*; or to affect, alter, abridge, or interfere with any Navigable River, Canal, Port, or Harbour under the Management or Power of any Commissioners, Trustees, or Proprietors by virtue of any Local or Private Act of Parliament; or to affect, alter, abridge, or interfere with any Charter, Law, Usage, or Custom in or concerning *Romney Marsh* in *Kent*, or the Great Level of the Fens called *Bedford Level*.

This Act not to prejudice any Local Act.

LXII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to repeal, or in anywise affect, alter, abridge, or interfere with the Commissioners of Sewers of the City of *London* and Liberties thereof, or the Rights, Powers, or Privileges of the Mayor and Commonalty and Citizens of the City of *London*, in relation to the Sewers, Drains, Vaults, and Bridges within the said City or Liberties, or any Act or Acts of Parliament heretofore made for making, amending, defending, widening, altering, or cleansing the said Sewers, Drains, Vaults, and Bridges within the said City and Liberties.

Saving Rights of the City of London.

CAP. XXIII.

4876 21 An Act to reduce the Stamp Duties on Advertisements and on certain Sea Insurances; to repeal the Stamp Duties on Pamphlets, and on Receipts for Sums under Five Pounds; and to exempt Insurances on Farming Stock from Stamp Duties. [28th June 1833.]

The Duties
granted in Great
Britain by
55 G. 3. c. 184.
on certain Sea
Insurances and
on Receipts for
Sums under 5l.;

‘ WHEREAS it is expedient that the several Stamp Duties
‘ now payable in *Great Britain and Ireland* respectively
‘ upon Advertisements and upon Sea Insurances in certain Cases,
‘ and also upon Pamphlets, and upon Receipts or Discharges given
‘ for or upon the Payment of any Sum of Money not amounting
‘ to Five Pounds, should be repealed, and that other Stamp Duties
‘ should be granted upon such Advertisements and Sea Insurances
‘ respectively in lieu of the said Duties now payable thereon as
‘ aforesaid:’ Be it therefore enacted by the King’s most Excellent
Majesty, by and with the Advice and Consent of the Lords Spiritual
and Temporal, and Commons, in this present Parliament assembled,
and by the Authority of the same, That from and after the Fifth
Day of *July* One thousand eight hundred and thirty-three the
Duties granted and now payable in *Great Britain* under and by
virtue of an Act passed in the Fifty-fifth Year of the Reign of
King *George the Third*, intituled *An Act for repealing the Stamp
Duties on Deeds, Law Proceedings, and other written or printed
Instruments, and the Duties on Fire Insurances, and on Legacies
and Successions to Personal Estate upon Intestacies, now payable in
Great Britain, and for granting other Duties in lieu thereof*, upon
or in respect of any Policy of Assurance or Insurance, or other
Instrument, by whatever Name the same shall be called, whereby
any Insurance shall be made upon any Ship or Vessel, or upon
any Goods, Merchandize, or other Property on board of any Ship
or Vessel, or upon the Freight of any Ship or Vessel, or upon
any other Interest in or relating to any Ship or Vessel which may
lawfully be insured for or upon any Voyage, other than a Voyage
from any Port or Place in the United Kingdom of *Great Britain
and Ireland*, or in the Islands of *Guernsey, Jersey, Alderney, or
Sark*, or the *Isle of Man*, to any other Port or Place in the said
Kingdom or Islands, or *Isle of Man*, or for any certain Term or
Period of Time not exceeding Twelve Calendar Months; and also
the Duty granted by the said Act, and now payable in *Great
Britain*, upon any Receipt or Discharge given for or upon the
Payment of Money, so far as the same relates to any Receipt or
Discharge given for or upon the Payment of any Sum of Money
not amounting to Five Pounds; and also the Duties granted and
now payable in *Great Britain* under and by virtue of another Act
passed in the said Fifty-fifth Year of the Reign of the said King
George the Third, intituled *An Act for repealing the Stamp Office
Duties on Advertisements, Almanacks, Newspapers, Gold and Silver
Plate, Stage Coaches, and Licences for keeping Stage Coaches, now
payable in Great Britain, and for granting new Duties in lieu
thereof*, upon or in respect of Pamphlets, or Books or Papers
commonly so called, and upon or in respect of any Advertisement;
and also the Duties granted and now payable in *Ireland* under and
by

the Duties
granted in Great
Britain by
55 G. 3. c. 185.
on Pamphlets
and Advertise-
ments;

by virtue of an Act passed in the Fifty-sixth Year of the Reign of the said King George the Third, intituled *An Act to repeal the several Stamp Duties in Ireland, and also several Acts for the Collection and Management of the said Duties, and to grant new Stamp Duties in lieu thereof, and to make more effectual Regulations for collecting and managing the said Duties*, upon or for any Assurance or Insurance of any Ship or Ships, Goods or Merchandize, or any other Property or Interest whereon Insurance may be lawfully made against Loss in any Voyage or Voyages, or from the Dangers of or other Perils at Sea from any Voyage, other than a Voyage to or from any Port or Place in the United Kingdom of *Great Britain and Ireland*, or the Islands of *Guernsey, Jersey, Alderney, Sark, or Man*, from or to any other Place in the said Kingdom or Islands; and also the Duties granted by the said last-recited Act, and now payable in *Ireland*, upon or for any Pamphlet, and upon or for any Advertisement; and also the Duty granted by the said last-recited Act, and now payable in *Ireland*, upon or in respect of any Receipt or Discharge for or upon the Payment of Money, or on the Delivery of any Check, Draft, Bill, or other Order, so far as the same relates to any Receipt or Discharge given for or upon the Payment of any Sum of Money not amounting to Five Pounds, or on the Delivery of any Check, Draft, Bill, or Order for any Sum not amounting to Five Pounds, shall cease and determine, and the said several Duties herein-before mentioned shall be and the same are hereby repealed accordingly; save and except so much and such Part and Parts of the said Duties respectively as shall have accrued or been incurred before or upon the said Fifth Day of *July* One thousand eight hundred and thirty-three, and shall then or at any Time afterwards be or become due or payable and remain in arrear and unpaid; all which said Duties so remaining in arrear and unpaid as aforesaid shall be recoverable by the same Ways and Means, and with such and the same Penalties, as if this Act had not been made.

and the Duties granted in Ireland by 56 G. 3. c. 56, on certain Sea Insurances, Pamphlets, Advertisements, and on Receipts for Sums under 5*l.*;

repealed, except as to Arrears.

II. And be it enacted, That from and after the Fifth Day of *July* One thousand eight hundred and thirty-three, in lieu and stead of the said several Duties upon Advertisements and Sea Insurances by this Act repealed, there shall be granted, raised, levied, collected, and paid in *Great Britain and Ireland* respectively, unto and for the Use of His Majesty, His Heirs and Successors, for and in respect of the several Articles, Matters, and Things mentioned and described in the Schedule to this Act annexed, the several Duties or Sums of Money set down in Figures against the same respectively, or otherwise specified and set forth in the said Schedule; and that the said Schedule, and the several Provisions, Regulations, and Directions therein contained with respect to the said Duties, and the Articles, Matters, and Things charged therewith, shall be deemed and taken to be Part of this Act, and that the said Duties shall be denominated and deemed to be Stamp Duties, and shall be under the Care and Management of the Commissioners of Stamps for the Time being for the United Kingdom of *Great Britain and Ireland*.

Grant of new Duties on Advertisements and Sea Insurances mentioned in the Schedule annexed.

III. And in order to provide for the Collection of the Duty by this Act granted on Advertisements contained in or published with any Pamphlet, Literary Work, or Periodical Paper, be it enacted,
[No. 14. Price 2*d.*]

Copies of all Pamphlets, &c. containing Advertisements to be sent to the

CAP. XXIII.

4876 21 An Act to reduce the Stamp Duties on Advertisements and on certain Sea Insurances; to repeal the Stamp Duties on Pamphlets, and on Receipts for Sums under Five Pounds; and to exempt Insurances on Farming Stock from Stamp Duties. [28th June 1833.]

‘ **W**HEREAS it is expedient that the several Stamp Duties now payable in *Great Britain and Ireland* respectively upon Advertisements and upon Sea Insurances in certain Cases, and also upon Pamphlets, and upon Receipts or Discharges given for or upon the Payment of any Sum of Money not amounting to Five Pounds, should be repealed, and that other Stamp Duties should be granted upon such Advertisements and Sea Insurances respectively in lieu of the said Duties now payable thereon as aforesaid: Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Fifth Day of *July* One thousand eight hundred and thirty-three the Duties granted and now payable in *Great Britain* under and by virtue of an Act passed in the Fifty-fifth Year of the Reign of King *George the Third*, intituled *An Act for repealing the Stamp Duties on Deeds, Law Proceedings, and other written or printed Instruments, and the Duties on Fire Insurances, and on Legacies and Successions to Personal Estate upon Intestacies, now payable in Great Britain, and for granting other Duties in lieu thereof*, upon or in respect of any Policy of Assurance or Insurance, or other Instrument, by whatever Name the same shall be called, whereby any Insurance shall be made upon any Ship or Vessel, or upon any Goods, Merchandize, or other Property on board of any Ship or Vessel, or upon the Freight of any Ship or Vessel, or upon any other Interest in or relating to any Ship or Vessel which may lawfully be insured for or upon any Voyage, other than a Voyage from any Port or Place in the United Kingdom of *Great Britain and Ireland*, or in the Islands of *Guernsey, Jersey, Alderney, or Sark*, or the *Isle of Man*, to any other Port or Place in the said Kingdom or Islands, or *Isle of Man*, or for any certain Term or Period of Time not exceeding Twelve Calendar Months; and also the Duty granted by the said Act, and now payable in *Great Britain*, upon any Receipt or Discharge given for or upon the Payment of Money, so far as the same relates to any Receipt or Discharge given for or upon the Payment of any Sum of Money not amounting to Five Pounds; and also the Duties granted and now payable in *Great Britain* under and by virtue of another Act passed in the said Fifty-fifth Year of the Reign of the said King *George the Third*, intituled *An Act for repealing the Stamp Office Duties on Advertisements, Almanachs, Newspapers, Gold and Silver Plate, Stage Coaches, and Licences for keeping Stage Coaches, now payable in Great Britain, and for granting new Duties in lieu thereof*, upon or in respect of Pamphlets, or Books or Papers commonly so called, and upon or in respect of any Advertisement; and also the Duties granted and now payable in *Ireland* under and by

The Duties granted in Great Britain by 55 G. 3. c. 184. on certain Sea Insurances and on Receipts for Sums under 5l.;

the Duties granted in Great Britain by 55 G. 3. c. 185. on Pamphlets and Advertisements;

by virtue of an Act passed in the Fifty-sixth Year of the Reign of the said King *George the Third*, intituled *An Act to repeal the several Stamp Duties in Ireland, and also several Acts for the Collection and Management of the said Duties, and to grant new Stamp Duties in lieu thereof, and to make more effectual Regulations for collecting and managing the said Duties*, upon or for any Assurance or Insurance of any Ship or Ships, Goods or Merchandize, or any other Property or Interest whereon Insurance may be lawfully made against Loss in any Voyage or Voyages, or from the Dangers of or other Perils at Sea from any Voyage, other than a Voyage to or from any Port or Place in the United Kingdom of *Great Britain and Ireland*, or the Islands of *Guernsey, Jersey, Alderney, Sark, or Man*, from or to any other Place in the said Kingdom or Islands; and also the Duties granted by the said last-recited Act, and now payable in *Ireland*, upon or for any Pamphlet, and upon or for any Advertisement; and also the Duty granted by the said last-recited Act, and now payable in *Ireland*, upon or in respect of any Receipt or Discharge for or upon the Payment of Money, or on the Delivery of any Check, Draft, Bill, or other Order, so far as the same relates to any Receipt or Discharge given for or upon the Payment of any Sum of Money not amounting to Five Pounds, or on the Delivery of any Check, Draft, Bill, or Order for any Sum not amounting to Five Pounds, shall cease and determine, and the said several Duties herein-before mentioned shall be and the same are hereby repealed accordingly; save and except so much and such Part and Parts of the said Duties respectively as shall have accrued or been incurred before or upon the said Fifth Day of *July* One thousand eight hundred and thirty-three, and shall then or at any Time afterwards be or become due or payable and remain in arrear and unpaid; all which said Duties so remaining in arrear and unpaid as aforesaid shall be recoverable by the same Ways and Means, and with such and the same Penalties, as if this Act had not been made.

and the Duties granted in Ireland by 56 G. 3. c. 56. on certain Sea Insurances, Pamphlets, Advertisements, and on Receipts for Sums under 5l.;

repealed, except as to Arrears.

II. And be it enacted, That from and after the Fifth Day of *July* One thousand eight hundred and thirty-three, in lieu and stead of the said several Duties upon Advertisements and Sea Insurances by this Act repealed, there shall be granted, raised, levied, collected, and paid in *Great Britain and Ireland* respectively, unto and for the Use of His Majesty, His Heirs and Successors, for and in respect of the several Articles, Matters, and Things mentioned and described in the Schedule to this Act annexed, the several Duties or Sums of Money set down in Figures against the same respectively, or otherwise specified and set forth in the said Schedule; and that the said Schedule, and the several Provisions, Regulations, and Directions therein contained with respect to the said Duties, and the Articles, Matters, and Things charged therewith, shall be deemed and taken to be Part of this Act, and that the said Duties shall be denominated and deemed to be Stamp Duties, and shall be under the Care and Management of the Commissioners of Stamps for the Time being for the United Kingdom of *Great Britain and Ireland*.

Grant of new Duties on Advertisements and Sea Insurances mentioned in the Schedule annexed.

III. And in order to provide for the Collection of the Duty by this Act granted on Advertisements contained in or published with any Pamphlet, Literary Work, or Periodical Paper, be it enacted,
[No. 14. Price 2d.]

Copies of all Pamphlets, &c. containing Advertisements to be sent to the

CAP. XXIII.

48/6 21
An Act to reduce the Stamp Duties on Advertisements and on certain Sea Insurances; to repeal the Stamp Duties on Pamphlets, and on Receipts for Sums under Five Pounds; and to exempt Insurances on Farming Stock from Stamp Duties. [28th June 1833.]

‘WHEREAS it is expedient that the several Stamp Duties now payable in *Great Britain* and *Ireland* respectively upon Advertisements and upon Sea Insurances in certain Cases, and also upon Pamphlets, and upon Receipts or Discharges given for or upon the Payment of any Sum of Money not amounting to Five Pounds, should be repealed, and that other Stamp Duties should be granted upon such Advertisements and Sea Insurances respectively in lieu of the said Duties now payable thereon as aforesaid:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Fifth Day of *July* One thousand eight hundred and thirty-three the Duties granted and now payable in *Great Britain* under and by virtue of an Act passed in the Fifty-fifth Year of the Reign of King *George* the Third, intituled *An Act for repealing the Stamp Duties on Deeds, Law Proceedings, and other written or printed Instruments, and the Duties on Fire Insurances, and on Legacies and Successions to Personal Estate upon Intestacies, now payable in Great Britain, and for granting other Duties in lieu thereof*, upon or in respect of any Policy of Assurance or Insurance, or other Instrument, by whatever Name the same shall be called, whereby any Insurance shall be made upon any Ship or Vessel, or upon any Goods, Merchandize, or other Property on board of any Ship or Vessel, or upon the Freight of any Ship or Vessel, or upon any other Interest in or relating to any Ship or Vessel which may lawfully be insured for or upon any Voyage, other than a Voyage from any Port or Place in the United Kingdom of *Great Britain* and *Ireland*, or in the Islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, or the *Isle of Man*, to any other Port or Place in the said Kingdom or Islands, or *Isle of Man*, or for any certain Term or Period of Time not exceeding Twelve Calendar Months; and also the Duty granted by the said Act, and now payable in *Great Britain*, upon any Receipt or Discharge given for or upon the Payment of Money, so far as the same relates to any Receipt or Discharge given for or upon the Payment of any Sum of Money not amounting to Five Pounds; and also the Duties granted and now payable in *Great Britain* under and by virtue of another Act passed in the said Fifty-fifth Year of the Reign of the said King *George* the Third, intituled *An Act for repealing the Stamp Duties on Advertisements, Almanachs, Newspapers, Gold and Silver Plate, Stage Coaches, and Licences for keeping Stage Coaches*, payable in *Great Britain*, and for granting new Duties in lieu thereof, upon or in respect of Pamphlets, or Books, or other commonly so called, and upon or in respect of any other thing, and also the Duties granted and now payable in

The Duties
granted in Great
Britain by
55 G. S. c. 184.
on certain Sea
Insurances and
on Receipts for
Sums under 5l.;

the Duties
granted in Great
Britain by
55 G. S. c. 185.
on Pamphlets
and Advertisements;

by virtue of an Act passed in the Fifty-sixth Year of the Reign of the said King George the Third, intituled *An Act to repeal the several Stamp Duties in Ireland, and also several Acts for the Collection and Management of the said Duties, and to grant new Stamp Duties in lieu thereof, and to make more effectual Regulations for collecting and managing the said Duties*, upon or for any Assurance or Insurance of any Ship or Ships, Goods or Merchandize, or any other Property or Interest whereon Insurance may be lawfully made against Loss in any Voyage or Voyages, or from the Dangers of or other Perils at Sea from any Voyage, other than a Voyage to or from any Port or Place in the United Kingdom of *Great Britain and Ireland*, or the Islands of *Guernsey, Jersey, Alderney, Sark, or Man*, from or to any other Place in the said Kingdom or Islands; and also the Duties granted by the said last-recited Act, and now payable in *Ireland*, upon or for any Pamphlet, and upon or for any Advertisement; and also the Duty granted by the said last-recited Act, and now payable in *Ireland*, upon or in respect of any Receipt or Discharge for or upon the Payment of Money, or on the Delivery of any Check, Draft, Bill, or other Order, so far as the same relates to any Receipt or Discharge given for or upon the Payment of any Sum of Money not amounting to Five Pounds, or on the Delivery of any Check, Draft, Bill, or Order for any Sum not amounting to Five Pounds, shall cease and determine, and the said several Duties herein-before mentioned shall be and the same are hereby repealed accordingly; save and except so much and such Part and Parts of the said Duties respectively as shall have accrued or been incurred before or upon the said Fifth Day of *July* One thousand eight hundred and thirty-three, and shall then or at any Time afterwards be or become due or payable and remain in arrear and unpaid; all which said Duties so remaining in arrear and unpaid as aforesaid shall be recoverable by the same Ways and Means, and with such and the same Penalties, as if this Act had not been made.

and the Duties granted in Ireland by 56 G. 3. c. 56. on certain Sea Insurances, Pamphlets, Advertisements, and on Receipts for Sums under 5*l.*;

repealed, except as to Arrears.

II. And be it enacted, That from and after the Fifth Day of *July* One thousand eight hundred and thirty-three, in lieu and stead of the said several Duties upon Advertisements and Sea Insurances by this Act repealed, there shall be granted, raised, levied, collected, and paid in *Great Britain and Ireland* respectively, unto and for the Use of His Majesty, His Heirs and Successors, for and in respect of the several Articles, Matters, and Things mentioned and described in the Schedule to this Act annexed, the several Duties or Sums of Money set down in Figures against the same respectively, or otherwise specified and set forth in the said Schedule; and that the said Schedule, and the several Provisions, Regulations, and Directions therein contained with respect to the said Duties, and the Articles, Matters, and Things charged therewith, shall be deemed and taken to be Part of this Act, and that the said Duties shall be denominated and deemed to be Stamp Duties, and shall be under the Care and Management of the Commissioners of Stamps in the Kingdom of *Great Britain and*

Grant of new Duties on Advertisements and Sea Insurances mentioned in the Schedule annexed.

the Collection of the Duty by contained in or published with periodical Paper, be it enacted,

O

That

Copies of all Pamphlets, &c. containing Advertisements to be sent to the

CAP. XXIII.

4876 21 An Act to reduce the Stamp Duties on Advertisements and on certain Sea Insurances; to repeal the Stamp Duties on Pamphlets, and on Receipts for Sums under Five Pounds; and to exempt Insurances on Farming Stock from Stamp Duties. [28th June 1833.]

‘ WHEREAS it is expedient that the several Stamp Duties now payable in *Great Britain and Ireland* respectively upon Advertisements and upon Sea Insurances in certain Cases, and also upon Pamphlets, and upon Receipts or Discharges given for or upon the Payment of any Sum of Money not amounting to Five Pounds, should be repealed, and that other Stamp Duties should be granted upon such Advertisements and Sea Insurances respectively in lieu of the said Duties now payable thereon as aforesaid: Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Fifth Day of July One thousand eight hundred and thirty-three the Duties granted and now payable in *Great Britain* under and by virtue of an Act passed in the Fifty-fifth Year of the Reign of King George the Third, intituled *An Act for repealing the Stamp Duties on Deeds, Law Proceedings, and other written or printed Instruments, and the Duties on Fire Insurances, and on Legacies and Successions to Personal Estate upon Intestacies, now payable in Great Britain, and for granting other Duties in lieu thereof*, upon or in respect of any Policy of Assurance or Insurance, or other Instrument, by whatever Name the same shall be called, whereby any Insurance shall be made upon any Ship or Vessel, or upon any Goods, Merchandize, or other Property on board of any Ship or Vessel, or upon the Freight of any Ship or Vessel, or upon any other Interest in or relating to any Ship or Vessel which may lawfully be insured for or upon any Voyage, other than a Voyage from any Port or Place in the United Kingdom of *Great Britain and Ireland*, or in the Islands of *Guernsey, Jersey, Alderney, or Sark*, or the *Isle of Man*, to any other Port or Place in the said Kingdom or Islands, or *Isle of Man*, or for any certain Term or Period of Time not exceeding Twelve Calendar Months; and also the Duty granted by the said Act, and now payable in *Great Britain*, upon any Receipt or Discharge given for or upon the Payment of Money, so far as the same relates to any Receipt or Discharge given for or upon the Payment of any Sum of Money not amounting to Five Pounds; and also the Duties granted and now payable in *Great Britain* under and by virtue of another Act passed in the said Fifty-fifth Year of the Reign of the said King George the Third, intituled *An Act for repealing the Stamp Office Duties on Advertisements, Almanacks, Newspapers, Gold and Silver Plate, Stage Coaches, and Licences for keeping Stage Coaches, now payable in Great Britain, and for granting new Duties in lieu thereof*, upon or in respect of Pamphlets, or Books or Papers commonly so called, and upon or in respect of any Advertisement; and also the Duties granted and now payable in *Ireland* under and by

The Duties granted in Great Britain by 55 G. 3. c. 184. on certain Sea Insurances and on Receipts for Sums under 5l.;

the Duties granted in Great Britain by 55 G. 3. c. 185. on Pamphlets and Advertisements;

by virtue of an Act passed in the Fifty-sixth Year of the Reign of the said King George the Third, intituled *An Act to repeal the several Stamp Duties in Ireland, and also several Acts for the Collection and Management of the said Duties, and to grant new Stamp Duties in lieu thereof, and to make more effectual Regulations for collecting and managing the said Duties*, upon or for any Assurance or Insurance of any Ship or Ships, Goods or Merchandize, or any other Property or Interest whereon Insurance may be lawfully made against Loss in any Voyage or Voyages, or from the Dangers of or other Perils at Sea from any Voyage, other than a Voyage to or from any Port or Place in the United Kingdom of *Great Britain and Ireland*, or the Islands of *Guernsey, Jersey, Alderney, Sark, or Man*, from or to any other Place in the said Kingdom or Islands; and also the Duties granted by the said last-recited Act, and now payable in *Ireland*, upon or for any Pamphlet, and upon or for any Advertisement; and also the Duty granted by the said last-recited Act, and now payable in *Ireland*, upon or in respect of any Receipt or Discharge for or upon the Payment of Money, or on the Delivery of any Check, Draft, Bill, or other Order, so far as the same relates to any Receipt or Discharge given for or upon the Payment of any Sum of Money not amounting to Five Pounds, or on the Delivery of any Check, Draft, Bill, or Order for any Sum not amounting to Five Pounds, shall cease and determine, and the said several Duties herein-before mentioned shall be and the same are hereby repealed accordingly; save and except so much and such Part and Parts of the said Duties respectively as shall have accrued or been incurred before or upon the said Fifth Day of *July* One thousand eight hundred and thirty-three, and shall then or at any Time afterwards be or become due or payable and remain in arrear and unpaid; all which said Duties so remaining in arrear and unpaid as aforesaid shall be recoverable by the same Ways and Means, and with such and the same Penalties, as if this Act had not been made.

and the Duties granted in Ireland by 56 G. 3. c. 56, on certain Sea Insurances, Pamphlets, Advertisements, and on Receipts for Sums under 5*l.*;

repealed, except as to Arrears.

II. And be it enacted, That from and after the Fifth Day of *July* One thousand eight hundred and thirty-three, in lieu and stead of the said several Duties upon Advertisements and Sea Insurances by this Act repealed, there shall be granted, raised, levied, collected, and paid in *Great Britain and Ireland* respectively, unto and for the Use of His Majesty, His Heirs and Successors, for and in respect of the several Articles, Matters, and Things mentioned and described in the Schedule to this Act annexed, the several Duties or Sums of Money set down in Figures against the same respectively, or otherwise specified and set forth in the said Schedule; and that the said Schedule, and the several Provisions, Regulations, and Directions therein contained with respect to the said Duties, and the Articles, Matters, and Things charged therewith, shall be deemed and taken to be Part of this Act, and that the said Duties shall be denominated and deemed to be Stamp Duties, and shall be under the Care and Management of the Commissioners of Stamps for the Time being for the United Kingdom of *Great Britain and Ireland*.

Grant of new Duties on Advertisements and Sea Insurances mentioned in the Schedule annexed.

III. And in order to provide for the Collection of the Duty by this Act granted on Advertisements contained in or published with any Pamphlet, Literary Work, or Periodical Paper, be it enacted, [No. 14. Price 2*d.*]

Copies of all Pamphlets, &c. containing Advertisements to be sent to the

CAP. XXIII.

4876 21 An Act to reduce the Stamp Duties on Advertisements and on certain Sea Insurances; to repeal the Stamp Duties on Pamphlets, and on Receipts for Sums under Five Pounds; and to exempt Insurances on Farming Stock from Stamp Duties. [28th June 1833.]

The Duties
granted in Great
Britain by
55 G. 3. c. 184.
on certain Sea
Insurances and
on Receipts for
Sums under 5*l*;

‘ WHEREAS it is expedient that the several Stamp Duties
‘ now payable in *Great Britain and Ireland* respectively
‘ upon Advertisements and upon Sea Insurances in certain Cases,
‘ and also upon Pamphlets, and upon Receipts or Discharges given
‘ for or upon the Payment of any Sum of Money not amounting
‘ to Five Pounds, should be repealed, and that other Stamp Duties
‘ should be granted upon such Advertisements and Sea Insurances
‘ respectively in lieu of the said Duties now payable thereon as
‘ aforesaid:’ Be it therefore enacted by the King’s most Excellent
Majesty, by and with the Advice and Consent of the Lords Spiritual
and Temporal, and Commons, in this present Parliament assembled,
and by the Authority of the same, That from and after the Fifth
Day of *July* One thousand eight hundred and thirty-three the
Duties granted and now payable in *Great Britain* under and by
virtue of an Act passed in the Fifty-fifth Year of the Reign of
King *George the Third*, intituled *An Act for repealing the Stamp
Duties on Deeds, Law Proceedings, and other written or printed
Instruments, and the Duties on Fire Insurances, and on Legacies
and Successions to Personal Estate upon Intestacies, now payable in
Great Britain, and for granting other Duties in lieu thereof*, upon
or in respect of any Policy of Assurance or Insurance, or other
Instrument, by whatever Name the same shall be called, whereby
any Insurance shall be made upon any Ship or Vessel, or upon
any Goods, Merchandize, or other Property on board of any Ship
or Vessel, or upon the Freight of any Ship or Vessel, or upon
any other Interest in or relating to any Ship or Vessel which may
lawfully be insured for or upon any Voyage, other than a Voyage
from any Port or Place in the United Kingdom of *Great Britain
and Ireland*, or in the Islands of *Guernsey, Jersey, Alderney, or
Sark*, or the *Isle of Man*, to any other Port or Place in the said
Kingdom or Islands, or *Isle of Man*, or for any certain Term or
Period of Time not exceeding Twelve Calendar Months; and also
the Duty granted by the said Act, and now payable in *Great
Britain*, upon any Receipt or Discharge given for or upon the
Payment of Money, so far as the same relates to any Receipt or
Discharge given for or upon the Payment of any Sum of Money
not amounting to Five Pounds; and also the Duties granted and
now payable in *Great Britain* under and by virtue of another Act
passed in the said Fifty-fifth Year of the Reign of the said King
George the Third, intituled *An Act for repealing the Stamp Office
Duties on Advertisements, Almanachs, Newspapers, Gold and Silver
Plate, Stage Coaches, and Licences for keeping Stage Coaches, now
payable in Great Britain, and for granting new Duties in lieu
thereof*, upon or in respect of Pamphlets, or Books or Papers
commonly so called, and upon or in respect of any Advertisement;
and also the Duties granted and now payable in *Ireland* under and
by

the Duties
granted in Great
Britain by
55 G. 3. c. 185.
on Pamphlets
and Advertise-
ments;

by virtue of an Act passed in the Fifty-sixth Year of the Reign of the said King George the Third, intituled *An Act to repeal the several Stamp Duties in Ireland, and also several Acts for the Collection and Management of the said Duties, and to grant new Stamp Duties in lieu thereof, and to make more effectual Regulations for collecting and managing the said Duties*, upon or for any Assurance or Insurance of any Ship or Ships, Goods or Merchandize, or any other Property or Interest whereon Insurance may be lawfully made against Loss in any Voyage or Voyages, or from the Dangers of or other Perils at Sea from any Voyage, other than a Voyage to or from any Port or Place in the United Kingdom of *Great Britain and Ireland*, or the Islands of *Guernsey, Jersey, Alderney, Sark, or Man*, from or to any other Place in the said Kingdom or Islands; and also the Duties granted by the said last-recited Act, and now payable in *Ireland*, upon or for any Pamphlet, and upon or for any Advertisement; and also the Duty granted by the said last-recited Act, and now payable in *Ireland*, upon or in respect of any Receipt or Discharge for or upon the Payment of Money, or on the Delivery of any Check, Draft, Bill, or other Order, so far as the same relates to any Receipt or Discharge given for or upon the Payment of any Sum of Money not amounting to Five Pounds, or on the Delivery of any Check, Draft, Bill, or Order for any Sum not amounting to Five Pounds, shall cease and determine, and the said several Duties herein-before mentioned shall be and the same are hereby repealed accordingly; save and except so much and such Part and Parts of the said Duties respectively as shall have accrued or been incurred before or upon the said Fifth Day of *July* One thousand eight hundred and thirty-three, and shall then or at any Time afterwards be or become due or payable and remain in arrear and unpaid; all which said Duties so remaining in arrear and unpaid as aforesaid shall be recoverable by the same Ways and Means, and with such and the same Penalties, as if this Act had not been made.

and the Duties granted in Ireland by 56 G. S. c. 56, on certain Sea Insurances, Pamphlets, Advertisements, and on Receipts for Sums under 5*l.*;

repealed, except as to Arrears.

II. And be it enacted, That from and after the Fifth Day of *July* One thousand eight hundred and thirty-three, in lieu and stead of the said several Duties upon Advertisements and Sea Insurances by this Act repealed, there shall be granted, raised, levied, collected, and paid in *Great Britain and Ireland* respectively, unto and for the Use of His Majesty, His Heirs and Successors, for and in respect of the several Articles, Matters, and Things mentioned and described in the Schedule to this Act annexed, the several Duties or Sums of Money set down in Figures against the same respectively, or otherwise specified and set forth in the said Schedule; and that the said Schedule, and the several Provisions, Regulations, and Directions therein contained with respect to the said Duties, and the Articles, Matters, and Things charged therewith, shall be deemed and taken to be Part of this Act, and that the said Duties shall be denominated and deemed to be Stamp Duties, and shall be under the Care and Management of the Commissioners of Stamps for the Time being for the United Kingdom of *Great Britain and Ireland*.

Grant of new Duties on Advertisements and Sea Insurances mentioned in the Schedule annexed.

III. And in order to provide for the Collection of the Duty by this Act granted on Advertisements contained in or published with any Pamphlet, Literary Work, or Periodical Paper, be it enacted,

[No. 14. Price 2*d.*]

O

That

Copies of all Pamphlets, &c. containing Advertisements to be sent to the

CAP. XXIII.

4876 21 An Act to reduce the Stamp Duties on Advertisements and on certain Sea Insurances; to repeal the Stamp Duties on Pamphlets, and on Receipts for Sums under Five Pounds; and to exempt Insurances on Farming Stock from Stamp Duties. [28th June 1833.]

The Duties
granted in Great
Britain by
55 G. 3. c. 184.
on certain Sea
Insurances and
on Receipts for
Sums under 5*l*;

the Duties
granted in Great
Britain by
55 G. 3. c. 185.
on Pamphlets
and Advertisements;

‘ WHEREAS it is expedient that the several Stamp Duties now payable in *Great Britain and Ireland* respectively upon Advertisements and upon Sea Insurances in certain Cases, and also upon Pamphlets, and upon Receipts or Discharges given for or upon the Payment of any Sum of Money not amounting to Five Pounds, should be repealed, and that other Stamp Duties should be granted upon such Advertisements and Sea Insurances respectively in lieu of the said Duties now payable thereon as aforesaid:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Fifth Day of *July* One thousand eight hundred and thirty-three the Duties granted and now payable in *Great Britain* under and by virtue of an Act passed in the Fifty-fifth Year of the Reign of King *George the Third*, intituled *An Act for repealing the Stamp Duties on Deeds, Law Proceedings, and other written or printed Instruments, and the Duties on Fire Insurances, and on Legacies and Successions to Personal Estate upon Intestacies, now payable in Great Britain, and for granting other Duties in lieu thereof*, upon or in respect of any Policy of Assurance or Insurance, or other Instrument, by whatever Name the same shall be called, whereby any Insurance shall be made upon any Ship or Vessel, or upon any Goods, Merchandize, or other Property on board of any Ship or Vessel, or upon the Freight of any Ship or Vessel, or upon any other Interest in or relating to any Ship or Vessel which may lawfully be insured for or upon any Voyage, other than a Voyage from any Port or Place in the United Kingdom of *Great Britain and Ireland*, or in the Islands of *Guernsey, Jersey, Alderney, or Sark*, or the *Isle of Man*, to any other Port or Place in the said Kingdom or Islands, or *Isle of Man*, or for any certain Term or Period of Time not exceeding Twelve Calendar Months; and also the Duty granted by the said Act, and now payable in *Great Britain*, upon any Receipt or Discharge given for or upon the Payment of Money, so far as the same relates to any Receipt or Discharge given for or upon the Payment of any Sum of Money not amounting to Five Pounds; and also the Duties granted and now payable in *Great Britain* under and by virtue of another Act passed in the said Fifty-fifth Year of the Reign of the said King *George the Third*, intituled *An Act for repealing the Stamp Office Duties on Advertisements, Almanacks, Newspapers, Gold and Silver Plate, Stage Coaches, and Licences for keeping Stage Coaches, now payable in Great Britain, and for granting new Duties in lieu thereof*, upon or in respect of Pamphlets, or Books or Papers commonly so called, and upon or in respect of any Advertisement; and also the Duties granted and now payable in *Ireland* under and by

by virtue of an Act passed in the Fifty-sixth Year of the Reign of the said King George the Third, intituled *An Act to repeal the several Stamp Duties in Ireland, and also several Acts for the Collection and Management of the said Duties, and to grant new Stamp Duties in lieu thereof, and to make more effectual Regulations for collecting and managing the said Duties*, upon or for any Assurance or Insurance of any Ship or Ships, Goods or Merchandize, or any other Property or Interest whereon Insurance may be lawfully made against Loss in any Voyage or Voyages, or from the Dangers of or other Perils at Sea from any Voyage, other than a Voyage to or from any Port or Place in the United Kingdom of *Great Britain and Ireland*, or the Islands of *Guernsey, Jersey, Alderney, Sark, or Man*, from or to any other Place in the said Kingdom or Islands; and also the Duties granted by the said last-recited Act, and now payable in *Ireland*, upon or for any Pamphlet, and upon or for any Advertisement; and also the Duty granted by the said last-recited Act, and now payable in *Ireland*, upon or in respect of any Receipt or Discharge for or upon the Payment of Money, or on the Delivery of any Check, Draft, Bill, or other Order, so far as the same relates to any Receipt or Discharge given for or upon the Payment of any Sum of Money not amounting to Five Pounds, or on the Delivery of any Check, Draft, Bill, or Order for any Sum not amounting to Five Pounds, shall cease and determine, and the said several Duties herein-before mentioned shall be and the same are hereby repealed accordingly; save and except so much and such Part and Parts of the said Duties respectively as shall have accrued or been incurred before or upon the said Fifth Day of *July* One thousand eight hundred and thirty-three, and shall then or at any Time afterwards be or become due or payable and remain in arrear and unpaid; all which said Duties so remaining in arrear and unpaid as aforesaid shall be recoverable by the same Ways and Means, and with such and the same Penalties, as if this Act had not been made.

and the Duties granted in Ireland by 56 G. 3. c. 56. on certain Sea Insurances, Pamphlets, Advertisements, and on Receipts for Sums under 5*l*.;

repealed, except as to Arrears.

II. And be it enacted, That from and after the Fifth Day of *July* One thousand eight hundred and thirty-three, in lieu and stead of the said several Duties upon Advertisements and Sea Insurances by this Act repealed, there shall be granted, raised, levied, collected, and paid in *Great Britain and Ireland* respectively, unto and for the Use of His Majesty, His Heirs and Successors, for and in respect of the several Articles, Matters, and Things mentioned and described in the Schedule to this Act annexed, the several Duties or Sums of Money set down in Figures against the same respectively, or otherwise specified and set forth in the said Schedule; and that the said Schedule, and the several Provisions, Regulations, and Directions therein contained with respect to the said Duties, and the Articles, Matters, and Things charged therewith, shall be deemed and taken to be Part of this Act, and that the said Duties shall be denominated and deemed to be Stamp Duties, and shall be under the Care and Management of the Commissioners of Stamps for the Time being for the United Kingdom of *Great Britain and Ireland*.

Grant of new Duties on Advertisements and Sea Insurances mentioned in the Schedule annexed.

III. And in order to provide for the Collection of the Duty by this Act granted on Advertisements contained in or published with any Pamphlet, Literary Work, or Periodical Paper, be it enacted,

Copies of all Pamphlets, &c. containing Advertisements to be sent to the

CAP. XXIII.

4876 21 An Act to reduce the Stamp Duties on Advertisements and on certain Sea Insurances; to repeal the Stamp Duties on Pamphlets, and on Receipts for Sums under Five Pounds; and to exempt Insurances on Farming Stock from Stamp Duties. [28th June 1833.]

‘ WHEREAS it is expedient that the several Stamp Duties now payable in *Great Britain and Ireland* respectively upon Advertisements and upon Sea Insurances in certain Cases, and also upon Pamphlets, and upon Receipts or Discharges given for or upon the Payment of any Sum of Money not amounting to Five Pounds, should be repealed, and that other Stamp Duties should be granted upon such Advertisements and Sea Insurances respectively in lieu of the said Duties now payable thereon as aforesaid:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Fifth Day of *July* One thousand eight hundred and thirty-three the Duties granted and now payable in *Great Britain* under and by virtue of an Act passed in the Fifty-fifth Year of the Reign of King *George the Third*, intituled *An Act for repealing the Stamp Duties on Deeds, Law Proceedings, and other written or printed Instruments, and the Duties on Fire Insurances, and on Legacies and Successions to Personal Estate upon Intestacies, now payable in Great Britain, and for granting other Duties in lieu thereof*, upon or in respect of any Policy of Assurance or Insurance, or other Instrument, by whatever Name the same shall be called, whereby any Insurance shall be made upon any Ship or Vessel, or upon any Goods, Merchandize, or other Property on board of any Ship or Vessel, or upon the Freight of any Ship or Vessel, or upon any other Interest in or relating to any Ship or Vessel which may lawfully be insured for or upon any Voyage, other than a Voyage from any Port or Place in the United Kingdom of *Great Britain and Ireland*, or in the Islands of *Guernsey, Jersey, Alderney, or Sark*, or the *Isle of Man*, to any other Port or Place in the said Kingdom or Islands, or *Isle of Man*, or for any certain Term or Period of Time not exceeding Twelve Calendar Months; and also the Duty granted by the said Act, and now payable in *Great Britain*, upon any Receipt or Discharge given for or upon the Payment of Money, so far as the same relates to any Receipt or Discharge given for or upon the Payment of any Sum of Money not amounting to Five Pounds; and also the Duties granted and now payable in *Great Britain* under and by virtue of another Act passed in the said Fifty-fifth Year of the Reign of the said King *George the Third*, intituled *An Act for repealing the Stamp Office Duties on Advertisements, Almanacks, Newspapers, Gold and Silver Plate, Stage Coaches, and Licences for keeping Stage Coaches, now payable in Great Britain, and for granting new Duties in lieu thereof*, upon or in respect of Pamphlets, or Books or Papers commonly so called, and upon or in respect of any Advertisement; and also the Duties granted and now payable in *Ireland* under and by

The Duties granted in Great Britain by 55 G. 3. c. 184. on certain Sea Insurances and on Receipts for Sums under 5l.;

the Duties granted in Great Britain by 55 G. 3. c. 185. on Pamphlets and Advertisements;

by virtue of an Act passed in the Fifty-sixth Year of the Reign of the said King George the Third, intituled *An Act to repeal the several Stamp Duties in Ireland, and also several Acts for the Collection and Management of the said Duties, and to grant new Stamp Duties in lieu thereof, and to make more effectual Regulations for collecting and managing the said Duties*, upon or for any Assurance or Insurance of any Ship or Ships, Goods or Merchandize, or any other Property or Interest whereon Insurance may be lawfully made against Loss in any Voyage or Voyages, or from the Dangers of or other Perils at Sea from any Voyage, other than a Voyage to or from any Port or Place in the United Kingdom of *Great Britain and Ireland*, or the Islands of *Guernsey, Jersey, Alderney, Sark, or Man*, from or to any other Place in the said Kingdom or Islands; and also the Duties granted by the said last-recited Act, and now payable in *Ireland*, upon or for any Pamphlet, and upon or for any Advertisement; and also the Duty granted by the said last-recited Act, and now payable in *Ireland*, upon or in respect of any Receipt or Discharge for or upon the Payment of Money, or on the Delivery of any Check, Draft, Bill, or other Order, so far as the same relates to any Receipt or Discharge given for or upon the Payment of any Sum of Money not amounting to Five Pounds, or on the Delivery of any Check, Draft, Bill, or Order for any Sum not amounting to Five Pounds, shall cease and determine, and the said several Duties herein-before mentioned shall be and the same are hereby repealed accordingly; save and except so much and such Part and Parts of the said Duties respectively as shall have accrued or been incurred before or upon the said Fifth Day of *July* One thousand eight hundred and thirty-three, and shall then or at any Time afterwards be or become due or payable and remain in arrear and unpaid; all which said Duties so remaining in arrear and unpaid as aforesaid shall be recoverable by the same Ways and Means, and with such and the same Penalties, as if this Act had not been made.

II. And be it enacted, That from and after the Fifth Day of *July* One thousand eight hundred and thirty-three, in lieu and stead of the said several Duties upon Advertisements and Sea Insurances by this Act repealed, there shall be granted, raised, levied, collected, and paid in *Great Britain and Ireland* respectively, unto and for the Use of His Majesty, His Heirs and Successors, for and in respect of the several Articles, Matters, and Things mentioned and described in the Schedule to this Act annexed, the several Duties or Sums of Money set down in Figures against the same respectively, or otherwise specified and set forth in the said Schedule; and that the said Schedule, and the several Provisions, Regulations, and Directions therein contained with respect to the said Duties, and the Articles, Matters, and Things charged therewith, shall be deemed and taken to be Part of this Act, and that the said Duties shall be denominated and deemed to be Stamp Duties, and shall be under the Care and Management of the Commissioners of Stamps for the Time being for the United Kingdom of *Great Britain and Ireland*.

III. And in order to provide for the Collection of the Duty by this Act granted on Advertisements contained in or published with any Pamphlet, Literary Work, or Periodical Paper, be it enacted,
[No. 14. Price 2d.]

and the Duties granted in *Ireland* by 56 G. 3. c. 56. on certain Sea Insurances, Pamphlets, Advertisements, and on Receipts for Sums under 5*l.*;

repealed, except as to Arrears.

Grant of new Duties on Advertisements and Sea Insurances mentioned in the Schedule annexed.

Copies of all Pamphlets, &c. containing Advertisements to be sent to the

CAP. XXIII.

4876 21 An Act to reduce the Stamp Duties on Advertisements and on certain Sea Insurances; to repeal the Stamp Duties on Pamphlets, and on Receipts for Sums under Five Pounds; and to exempt Insurances on Farming Stock from Stamp Duties. [28th June 1833.]

‘ WHEREAS it is expedient that the several Stamp Duties now payable in *Great Britain and Ireland* respectively upon Advertisements and upon Sea Insurances in certain Cases, and also upon Pamphlets, and upon Receipts or Discharges given for or upon the Payment of any Sum of Money not amounting to Five Pounds, should be repealed, and that other Stamp Duties should be granted upon such Advertisements and Sea Insurances respectively in lieu of the said Duties now payable thereon as aforesaid:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Fifth Day of *July* One thousand eight hundred and thirty-three the Duties granted and now payable in *Great Britain* under and by virtue of an Act passed in the Fifty-fifth Year of the Reign of King *George the Third*, intituled *An Act for repealing the Stamp Duties on Deeds, Law Proceedings, and other written or printed Instruments, and the Duties on Fire Insurances, and on Legacies and Successions to Personal Estate upon Intestacies, now payable in Great Britain, and for granting other Duties in lieu thereof*, upon or in respect of any Policy of Assurance or Insurance, or other Instrument, by whatever Name the same shall be called, whereby any Insurance shall be made upon any Ship or Vessel, or upon any Goods, Merchandize, or other Property on board of any Ship or Vessel, or upon the Freight of any Ship or Vessel, or upon any other Interest in or relating to any Ship or Vessel which may lawfully be insured for or upon any Voyage, other than a Voyage from any Port or Place in the United Kingdom of *Great Britain and Ireland*, or in the Islands of *Guernsey, Jersey, Alderney, or Sark*, or the *Isle of Man*, to any other Port or Place in the said Kingdom or Islands, or *Isle of Man*, or for any certain Term or Period of Time not exceeding Twelve Calendar Months; and also the Duty granted by the said Act, and now payable in *Great Britain*, upon any Receipt or Discharge given for or upon the Payment of Money, so far as the same relates to any Receipt or Discharge given for or upon the Payment of any Sum of Money not amounting to Five Pounds; and also the Duties granted and now payable in *Great Britain* under and by virtue of another Act passed in the said Fifty-fifth Year of the Reign of the said King *George the Third*, intituled *An Act for repealing the Stamp Office Duties on Advertisements, Almanachs, Newspapers, Gold and Silver Plate, Stage Coaches, and Licences for keeping Stage Coaches, now payable in Great Britain, and for granting new Duties in lieu thereof*, upon or in respect of Pamphlets, or Books or Papers commonly so called, and upon or in respect of any Advertisement; and also the Duties granted and now payable in *Ireland* under and by

The Duties granted in Great Britain by 55 G. 3. c. 184. on certain Sea Insurances and on Receipts for Sums under 5l.;

the Duties granted in Great Britain by 55 G. 3. c. 185. on Pamphlets and Advertisements;

by virtue of an Act passed in the Fifty-sixth Year of the Reign of the said King George the Third, intituled *An Act to repeal the several Stamp Duties in Ireland, and also several Acts for the Collection and Management of the said Duties, and to grant new Stamp Duties in lieu thereof, and to make more effectual Regulations for collecting and managing the said Duties*, upon or for any Assurance or Insurance of any Ship or Ships, Goods or Merchandize, or any other Property or Interest whereon Insurance may be lawfully made against Loss in any Voyage or Voyages, or from the Dangers of or other Perils at Sea from any Voyage, other than a Voyage to or from any Port or Place in the United Kingdom of *Great Britain and Ireland*, or the Islands of *Guernsey, Jersey, Alderney, Sark, or Man*, from or to any other Place in the said Kingdom or Islands; and also the Duties granted by the said last-recited Act, and now payable in *Ireland*, upon or for any Pamphlet, and upon or for any Advertisement; and also the Duty granted by the said last-recited Act, and now payable in *Ireland*, upon or in respect of any Receipt or Discharge for or upon the Payment of Money, or on the Delivery of any Check, Draft, Bill, or other Order, so far as the same relates to any Receipt or Discharge given for or upon the Payment of any Sum of Money not amounting to Five Pounds, or on the Delivery of any Check, Draft, Bill, or Order for any Sum not amounting to Five Pounds, shall cease and determine, and the said several Duties herein-before mentioned shall be and the same are hereby repealed accordingly; save and except so much and such Part and Parts of the said Duties respectively as shall have accrued or been incurred before or upon the said Fifth Day of *July* One thousand eight hundred and thirty-three, and shall then or at any Time afterwards be or become due or payable and remain in arrear and unpaid; all which said Duties so remaining in arrear and unpaid as aforesaid shall be recoverable by the same Ways and Means, and with such and the same Penalties, as if this Act had not been made.

and the Duties granted in Ireland by 56 G. 3. c. 56. on certain Sea Insurances, Pamphlets, Advertisements, and on Receipts for Sums under 5l.;

repealed, except as to Arrears.

II. And be it enacted, That from and after the Fifth Day of *July* One thousand eight hundred and thirty-three, in lieu and stead of the said several Duties upon Advertisements and Sea Insurances by this Act repealed, there shall be granted, raised, levied, collected, and paid in *Great Britain and Ireland* respectively, unto and for the Use of His Majesty, His Heirs and Successors, for and in respect of the several Articles, Matters, and Things mentioned and described in the Schedule to this Act annexed, the several Duties or Sums of Money set down in Figures against the same respectively, or otherwise specified and set forth in the said Schedule; and that the said Schedule, and the several Provisions, Regulations, and Directions therein contained with respect to the said Duties, and the Articles, Matters, and Things charged therewith, shall be deemed and taken to be Part of this Act, and that the said Duties shall be denominated and deemed to be Stamp Duties, and shall be under the Care and Management of the Commissioners of Stamps for the Time being for the United Kingdom of *Great Britain and Ireland*.

Grant of new Duties on Advertisements and Sea Insurances mentioned in the Schedule annexed.

III. And in order to provide for the Collection of the Duty by this Act granted on Advertisements contained in or published with any Pamphlet, Literary Work, or Periodical Paper, be it enacted,
[No. 14. Price 2d.]

Copies of all Pamphlets, &c. containing Advertisements to be sent to the

CAP. XXIII.

48/6 21 An Act to reduce the Stamp Duties on Advertisements and on certain Sea Insurances; to repeal the Stamp Duties on Pamphlets, and on Receipts for Sums under Five Pounds; and to exempt Insurances on Farming Stock from Stamp Duties. [28th June 1833.]

‘ **W**HEREAS it is expedient that the several Stamp Duties now payable in *Great Britain and Ireland* respectively upon Advertisements and upon Sea Insurances in certain Cases, and also upon Pamphlets, and upon Receipts or Discharges given for or upon the Payment of any Sum of Money not amounting to Five Pounds, should be repealed, and that other Stamp Duties should be granted upon such Advertisements and Sea Insurances respectively in lieu of the said Duties now payable thereon as aforesaid:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Fifth Day of *July* One thousand eight hundred and thirty-three the Duties granted and now payable in *Great Britain* under and by virtue of an Act passed in the Fifty-fifth Year of the Reign of King *George* the Third, intituled *An Act for repealing the Stamp Duties on Deeds, Law Proceedings, and other written or printed Instruments, and the Duties on Fire Insurances, and on Legacies and Successions to Personal Estate upon Intestacies, now payable in Great Britain, and for granting other Duties in lieu thereof*, upon or in respect of any Policy of Assurance or Insurance, or other Instrument, by whatever Name the same shall be called, whereby any Insurance shall be made upon any Ship or Vessel, or upon any Goods, Merchandize, or other Property on board of any Ship or Vessel, or upon the Freight of any Ship or Vessel, or upon any other Interest in or relating to any Ship or Vessel which may lawfully be insured for or upon any Voyage, other than a Voyage from any Port or Place in the United Kingdom of *Great Britain and Ireland*, or in the Islands of *Guernsey, Jersey, Alderney, or Sark*, or the *Isle of Man*, to any other Port or Place in the said Kingdom or Islands, or *Isle of Man*, or for any certain Term or Period of Time not exceeding Twelve Calendar Months; and also the Duty granted by the said Act, and now payable in *Great Britain*, upon any Receipt or Discharge given for or upon the Payment of Money, so far as the same relates to any Receipt or Discharge given for or upon the Payment of any Sum of Money not amounting to Five Pounds; and also the Duties granted and now payable in *Great Britain* under and by virtue of another Act passed in the said Fifty-fifth Year of the Reign of the said King *George* the Third, intituled *An Act for repealing the Stamp Office Duties on Advertisements, Almanacks, Newspapers, Gold and Silver Plate, Stage Coaches, and Licences for keeping Stage Coaches, now payable in Great Britain, and for granting new Duties in lieu thereof*, upon or in respect of Pamphlets, or Books or Papers commonly so called, and upon or in respect of any Advertisement; and also the Duties granted and now payable in *Ireland* under and by

The Duties granted in Great Britain by 55 G. 3. c. 184. on certain Sea Insurances and on Receipts for Sums under 5l.;

the Duties granted in Great Britain by 55 G. 3. c. 185. on Pamphlets and Advertisements;

by virtue of an Act passed in the Fifty-sixth Year of the Reign of the said King George the Third, intituled *An Act to repeal the several Stamp Duties in Ireland, and also several Acts for the Collection and Management of the said Duties, and to grant new Stamp Duties in lieu thereof, and to make more effectual Regulations for collecting and managing the said Duties*, upon or for any Assurance or Insurance of any Ship or Ships, Goods or Merchandize, or any other Property or Interest whereon Insurance may be lawfully made against Loss in any Voyage or Voyages, or from the Dangers of or other Perils at Sea from any Voyage, other than a Voyage to or from any Port or Place in the United Kingdom of *Great Britain and Ireland*, or the Islands of *Guernsey, Jersey, Alderney, Sark, or Man*, from or to any other Place in the said Kingdom or Islands; and also the Duties granted by the said last-recited Act, and now payable in *Ireland*, upon or for any Pamphlet, and upon or for any Advertisement; and also the Duty granted by the said last-recited Act, and now payable in *Ireland*, upon or in respect of any Receipt or Discharge for or upon the Payment of Money, or on the Delivery of any Check, Draft, Bill, or other Order, so far as the same relates to any Receipt or Discharge given for or upon the Payment of any Sum of Money not amounting to Five Pounds, or on the Delivery of any Check, Draft, Bill, or Order for any Sum not amounting to Five Pounds, shall cease and determine, and the said several Duties herein-before mentioned shall be and the same are hereby repealed accordingly; save and except so much and such Part and Parts of the said Duties respectively as shall have accrued or been incurred before or upon the said Fifth Day of *July* One thousand eight hundred and thirty-three, and shall then or at any Time afterwards be or become due or payable and remain in arrear and unpaid; all which said Duties so remaining in arrear and unpaid as aforesaid shall be recoverable by the same Ways and Means, and with such and the same Penalties, as if this Act had not been made.

and the Duties granted in Ireland by 56 G. 3. c. 56, on certain Sea Insurances, Pamphlets, Advertisements, and on Receipts for Sums under 5*l.*;

repealed, except as to Arrears.

II. And be it enacted, That from and after the Fifth Day of *July* One thousand eight hundred and thirty-three, in lieu and stead of the said several Duties upon Advertisements and Sea Insurances by this Act repealed, there shall be granted, raised, levied, collected, and paid in *Great Britain and Ireland* respectively, unto and for the Use of His Majesty, His Heirs and Successors, for and in respect of the several Articles, Matters, and Things mentioned and described in the Schedule to this Act annexed, the several Duties or Sums of Money set down in Figures against the same respectively, or otherwise specified and set forth in the said Schedule; and that the said Schedule, and the several Provisions, Regulations, and Directions therein contained with respect to the said Duties, and the Articles, Matters, and Things charged therewith, shall be deemed and taken to be Part of this Act, and that the said Duties shall be denominated and deemed to be Stamp Duties, and shall be under the Care and Management of the Commissioners of Stamps for the Time being for the United Kingdom of *Great Britain and Ireland*.

Grant of new Duties on Advertisements and Sea Insurances mentioned in the Schedule annexed.

III. And in order to provide for the Collection of the Duty by this Act granted on Advertisements contained in or published with any Pamphlet, Literary Work, or Periodical Paper, be it enacted,

Copies of all Pamphlets, &c. containing Advertisements to be sent to the

Head Office for
Stamps within
Six Days after
Publication.

That one printed Copy of every Pamphlet or Literary Work or Periodical Paper (not being a Newspaper), containing or having published therewith any Advertisements or Advertisement liable to Stamp Duty, which shall be published within the Cities of *London, Edinburgh, or Dublin* respectively, or within Twenty Miles thereof respectively, shall, within the Space of Six Days next after the Publication thereof, be brought, together with all Advertisements printed therein, or published or intended to be published therewith, to the Head Office for Stamps in *Westminster, Edinburgh, or Dublin* nearest to which such Pamphlet, Literary Work, or Periodical Paper shall have been published, and the Title thereof, and the Christian Name and Surname of the Printer and Publisher thereof, with the Number of Advertisements contained therein or published therewith; and any Stamp Duty by Law payable in respect of such Advertisements shall be registered in a Book to be kept at such Office, and the Duty on such Advertisements shall be there paid to the Receiver General of Stamp Duties for the Time being, or his Deputy or Clerk, or the proper authorized Officer, who shall thereupon forthwith give a Receipt for the same; and one printed Copy of every such Pamphlet, Literary Work, or Paper as aforesaid, which shall be published in any Place in the United Kingdom, not being within the Cities of *London, Edinburgh, or Dublin*, or within Twenty Miles thereof respectively, shall, within the Space of Ten Days next after the Publication thereof, be brought, together with all such Advertisements as aforesaid, to the Head Distributor of Stamps for the Time being within the District in which such Pamphlet, Literary Work, or Paper shall be published; and such Distributor is hereby required forthwith to register the same in manner aforesaid in a Book to be by him kept for that Purpose; and the Duty payable in respect of such Advertisements shall be thereupon paid to such Distributor, who shall give a Receipt for the same; and if the Duty which shall be by Law payable in respect of any such Advertisements as aforesaid shall not be duly paid within the respective Times and in the Manner herein-before limited and appointed for that Purpose, the Printer and Publisher of such Pamphlet, Literary Work, or Paper, and the Publisher of any such Advertisements, shall respectively forfeit and pay the Sum of Twenty Pounds for every such Offence; and in any Action, Information, or other Proceeding for the Recovery of such Penalty, or for the Recovery of the Duty on any such Advertisements, Proof of the Payment of the said Duty shall lie upon the Defendant.

Powers and
Provisions of
former Acts to
be in force and
put in execution
with regard to
the Duties here-
by granted.

IV. And be it enacted, That all the Powers, Provisions, Clauses, Regulations, and Directions, Fines, Forfeitures, Pains, and Penalties, contained in or imposed by the several Acts of Parliament relating to the Duties on Advertisements and Sea Insurances respectively, and the several Acts of Parliament relating to any prior Duties of the same Kind or Description in *Great Britain and Ireland* respectively, shall be of full Force and Effect with respect to the Duties by this Act granted, and to the Vellum, Parchment, and Paper, Articles, Matters, and Things charged or chargeable therewith, and to the Persons liable to the Payment of the said Duties, so far as the same are or shall be applicable in all Cases not hereby expressly provided for, and shall be observed, applied, enforced, and

put in execution for the raising, levying, collecting, and securing of the said Duties hereby granted, and otherwise relating thereto, so far as the same shall not be superseded by and shall be consistent with the express Provisions of this Act, as fully and effectually to all Intents and Purposes as if the same had been herein repeated and especially enacted with reference to the said Duties by this Act granted.

V. ' And whereas it is expedient to exempt from the Duties imposed by Law on Insurances from Loss by Fire, all Insurances on Agricultural Produce, Farming Stock, and Implements of Husbandry in *Great Britain* and *Ireland* respectively; be it enacted, That no Insurance from Loss or Damage by Fire which shall be made, renewed, or continued by any Policy effected upon or after the Twenty-fourth Day of *June* One thousand eight hundred and thirty-three, on any Agricultural Produce, Farming Stock (live or dead), or Implements or Utensils of Husbandry, being upon any Farm or Farms in *Great Britain* or *Ireland*, shall be liable to the yearly Per-centage Duties or to any other Stamp Duty granted or imposed upon or in respect of Insurances from Loss or Damage by Fire by any Act or Acts in force in *Great Britain* or *Ireland* respectively, provided such Insurance shall be effected by a separate and distinct Policy relating solely to such Agricultural Produce, Farming Stock, Implements, or Utensils.

Insurances on Agricultural Produce, Farming Stock, and Implements of Husbandry exempted from Stamp Duties.

VI. ' And whereas by certain Acts in force in *Great Britain* and *Ireland* respectively the Corporations or Companies or Persons insuring against Loss by Fire are required to deliver to the Commissioners of Stamps or their Officers certain quarterly Accounts of all Insurances made by such Corporations, Companies, or Persons, and containing such Particulars relating thereto as in the said Acts respectively are specified in that Behalf; be it enacted, That such Corporations or Companies or Persons insuring as aforesaid, at the Time of the Delivery of every such quarterly Account, shall also deliver to the said Commissioners or their Officers a separate and distinct Account of all Insurances of Agricultural Produce, Farming Stock, or Implements or Utensils of Husbandry from Loss or Damage by Fire, made, renewed, or continued by such Corporations or Companies or Persons respectively during the Quarter for which such last-mentioned Account shall be rendered; and in every such last-mentioned Account there shall be truly specified the Number of every Policy by which any such Insurance shall be made, the Sum or Amount of the Sums insured thereby, and the Time for which such Insurance shall be made or renewed or continued; and for any Default in the Delivery of such Account containing and specifying the Particulars required by this Act, the Corporation or Company or Person or Persons making such Default shall forfeit the Sum of One hundred Pounds.

Separate Accounts of Insurances on Agricultural Produce, &c. to be rendered quarterly to the Commissioners of Stamps.

VII. And be it enacted, That this Act may be altered, amended, or repealed by any Act or Acts to be passed in this present Session of Parliament.

Act may be altered this Session.

The SCHEDULE to which this Act refers ;

CONTAINING

THE DUTIES IMPOSED BY THIS ACT.

	DUTY.
ADVERTISEMENTS :—	
For and in respect of every Advertisement contained in or published with any Gazette or other Newspaper, or contained in or published with any other Periodical Paper, or in or with any Pamphlet or Literary Work,	£ s. d.
Where the same shall be printed and published in Great Britain - - -	0 1 6
And where the same shall be printed and published in Ireland - - -	0 1 0
SEA INSURANCES in Great Britain and Ireland respectively :—	
For and in respect of every Policy of Assurance or Insurance, or other Instrument, by whatever Name the same shall be called, whereby any Insurance shall be made upon any Ship or Vessel, or upon any Goods, Merchandize, or other Property on board of any Ship or Vessel, or upon the Freight of any Ship or Vessel, or upon any other Interest in or relating to any Ship or Vessel which may lawfully be insured for or upon any Voyage other than a Voyage from any Port or Place in the United Kingdom of Great Britain and Ireland, or in the Islands of Guernsey, Jersey, Alderney, or Sark, or the Isle of Man, to any other Port or Place in the said Kingdom or Islands, or Isle of Man,	
Where the Premium or Consideration for such Insurance, actually and bonâ fide paid, given, or contracted for, shall not exceed the Rate of Fifteen Shillings per Centum on the Sum insured,	
If the whole Sum insured shall not exceed One hundred Pounds - - -	0 1 3
And if the whole Sum insured shall exceed One hundred Pounds, then for every One hundred Pounds and also for any fractional Part of One hundred Pounds whereof the same shall consist - -	0 1 3
And where the Premium or Consideration for such Insurance, actually and bonâ fide paid, given, or contracted for, shall exceed the Rate of Fifteen Shillings per Centum and shall not exceed the Rate of Thirty Shillings per Centum on the Sum insured,	
If the whole Sum insured shall not exceed One hundred Pounds - - -	0 2 6

	DUTY.
Sea Insurances—<i>continued.</i>	
And if the whole Sum insured shall exceed One hundred Pounds, then for every One hundred Pounds and also for any frac- tional Part of One hundred Pounds whereof the same shall consist - -	£ s. d. 0 2 6
And where the Premium or Consideration for such Insurance, actually and bonâ fide paid, given, or contracted for, shall exceed the Rate of Thirty Shillings per Centum on the Sum insured,	
If the whole Sum insured shall not exceed One hundred Pounds - - -	0 5 0
And if the whole Sum insured shall exceed One hundred Pounds, then for every One hundred Pounds and also for any fractional Part of One hundred Pounds whereof the same shall consist - -	0 5 0
But if the separate Interests of Two or more distinct Persons shall be insured by One Policy or Instrument, then the said Duty of One Shilling and Three-pence, Two Shil- lings and Sixpence, or Five Shillings, as the Case may require, shall be charged thereon, in respect of each and every fractional Part of One hundred Pounds as well as in respect of every full Sum of One hundred Pounds which shall be thereby insured upon any se- parate and distinct Interest.	
And for and in respect of every Policy of As- surance or Insurance, or other Instrument, by whatever Name the same shall be called, whereby any Insurance shall be made upon any Ship or Vessel, or upon the Freight of any Ship or Vessel, or upon any other Interest in or relating to any Ship or Vessel which may lawfully be insured for any certain Term or Period of Time, the following Rates or Sums for every One hundred Pounds and also for any fractional Part of One hundred Pounds whereof the same shall consist; that is to say,	
Where any such Insurance shall be made for any Term or Period not exceeding Three Calendar Months - - -	0 2 6
Exceeding Three Calendar Months -	0 5 0

CAP. XXIV.

An Act to amend an Act of the Tenth Year of His late Majesty, for regulating the Reduction of the National Debt. [9th July 1833.]

10 G. 4. c. 27.
s. 3.

‘ WHEREAS an Act was passed in the Tenth Year of the
 ‘ Reign of King George the Fourth, intituled *An Act to*
 ‘ *amend the several Acts for regulating the Reduction of the National*
 ‘ *Debt*; and it was in and by the said Act, amongst other Things,
 ‘ enacted, that the One-fourth Part of the Sum which from Time
 ‘ to Time should appear by every such Annual Account respec-
 ‘ tively to be the actual surplus Revenue of the Year immediately
 ‘ preceding beyond the Expenditure of the United Kingdom should
 ‘ be charged and the same was in and by the said Act made charge-
 ‘ able upon the Consolidated Fund of the United Kingdom, and
 ‘ was directed to be issued and paid, in and for the Quarter of the
 ‘ Year then next ensuing the Quarter of the Year within which
 ‘ such Annual Account respectively was in and by the said Act
 ‘ directed to be made up, either into the Bank of *England* or into
 ‘ the Bank of *Ireland*, to the Account of the Commissioners for
 ‘ the Reduction of the National Debt, as the said Commissioners
 ‘ should direct, to be by them applied towards the Redemption of
 ‘ the National Debt of the United Kingdom, in such Proportions,
 ‘ and at such Time and Times in each and every Quarter in every
 ‘ future Year, as the said Commissioners for the Reduction of the
 ‘ National Debt should require, according to the Provisions and
 ‘ Directions of any Act or Acts then in force respecting Sums
 ‘ issued from the Exchequer towards the Reduction of the said
 ‘ National Debt: And whereas in and by the said Act it was also
 ‘ enacted that the said Commissioners should from Time to Time
 ‘ apply all such respective Annual Sums so placed to their Account
 ‘ by virtue of the said Act, either in the whole or in part, in the
 ‘ Purchase of such redeemable Public Annuities, or Annuities for
 ‘ any Term or Terms of Years, or in the Purchase of Exchequer
 ‘ Bills, or in the paying off Exchequer Bills, or in the advancing
 ‘ of such Annual Sums upon the Credit of any Exchequer Bills
 ‘ therein-before mentioned, as the said Commissioners should from
 ‘ Time to Time judge most expedient: And whereas it is expe-
 ‘ dient to extend the Powers and Provisions of the said recited
 ‘ Act, and to enable the said Commissioners to purchase from
 ‘ Time to Time with the said Monies or with any Part thereof
 ‘ which shall be so issued to them from Time to Time, under the
 ‘ Provisions of the said Act, within any Quarter in this present
 ‘ Year, or in any future Year after the passing of this Act, the
 ‘ Reversion of any of the existing perpetual redeemable Annuities,
 ‘ or of any of the perpetual redeemable Annuities which may be
 ‘ hereafter created, and which may at any Time be existing after
 ‘ the passing of this Act, and constituting the Public Funded Debt
 ‘ of the United Kingdom;’ be it therefore enacted by the King’s
 ‘ most Excellent Majesty, by and with the Advice and Consent of
 ‘ the Lords Spiritual and Temporal, and Commons, in this present
 ‘ Parliament assembled, and by the Authority of the same, That
 ‘ from and after the passing of this Act it shall and may be lawful
 ‘ for

for the said Commissioners for the Reduction of the National Debt (and the said Commissioners are hereby authorized and empowered), out of any of the said Monies which shall be issued to them towards the Reduction of the National Debt, by virtue of the said recited Act, or of any other Act or Acts now in force or which may hereafter be passed relating to the Fund commonly called "The Sinking Fund," to apply such Monies or any Part thereof, if they shall think fit, at such Time and Times and under such Regulations as the said Commissioners shall think proper to adopt for that Purpose, to the Purchase of the Reversion of any of the present existing perpetual redeemable Annuities, or the Reversion of any perpetual redeemable Annuities which may at any Time exist after the passing of this Act, and constituting the Public Funded Debt of the United Kingdom, and to grant to any Person or Persons, Bodies Politic or Corporate, in exchange for such perpetual Annuities payable at the Bank of *England* as shall or may be transferred to them under the Provisions of this Act, an Annuity or Annuities, to continue for such limited Term of Years certain, and upon such Terms and Conditions, as shall and may be agreed upon between the said Commissioners and the Parties contracting with the said Commissioners.

the National Debt empowered to apply the Monies of the Sinking Fund to the Purchase of the Reversion of perpetual redeemable Annuities.

II. And be it further enacted, That all Annuities for Term of Years granted by the said Commissioners by virtue of this Act shall be charged and the same are hereby made chargeable upon the Consolidated Fund of the said United Kingdom, and the said Annuities shall be deemed and taken to be Annuities for Terms of Years granted by the said Commissioners within the Meaning and Intent of the Act passed in the Tenth Year of the Reign of King *George the Fourth*, intituled *An Act to enable the Commissioners for the Reduction of the National Debt to grant Life Annuities, and Annuities for Terms of Years*, and all the Clauses, Conditions, Provisions, Directions, Regulations, and Periods of Payment contained in the said last-recited Act relating to immediate Annuities granted or to be granted by the said Commissioners for certain Terms of Years, and in a certain Act made and passed in the Second and Third Years of the Reign of King *William the Fourth*, intituled *An Act to transfer the Management of certain Annuities on Lives from the Receipt of His Majesty's Exchequer to the Management of the Commissioners for the Reduction of the National Debt, and to amend an Act for enabling the said Commissioners to grant Life Annuities and Annuities for Terms of Years*, shall be deemed and taken to apply to the Annuities for Terms of Years which shall at any Time be granted by the said Commissioners under and by virtue of this Act, as fully and effectually, to all Intents and Purposes (except as altered and varied by virtue of this Act), as if the said Clauses, Conditions, Provisions, Directions, Regulations, and Periods of Payment were severally repeated and re-enacted in this Act.

Annuities for Term of Years granted by virtue of this Act to be charged upon the Consolidated Fund.

10 G. 4. c. 24.

2 & 3 W. 4. c. 59.

III. And be it further enacted, That all the perpetual Annuities which shall at any Time after the passing of this Act be transferred to the said Commissioners under the Provisions of this Act shall be forthwith cancelled in the Books of the Governor and Company of the Bank of *England*; and the said perpetual Annuities shall cease to be charged upon or to be issued out of the said Consolidated

Perpetual Annuities transferred to Commissioners for the Reduction of the National Debt to be cancelled.

CAP. XXIV.

An Act to amend an Act of the Tenth Year of His late Majesty, for regulating the Reduction of the National Debt. [9th July 1833.]

10 G. 4. c. 27.
s. 3.

‘ WHEREAS an Act was passed in the Tenth Year of the Reign of King George the Fourth, intituled *An Act to amend the several Acts for regulating the Reduction of the National Debt*; and it was in and by the said Act, amongst other Things, enacted, that the One-fourth Part of the Sum which from Time to Time should appear by every such Annual Account respectively to be the actual surplus Revenue of the Year immediately preceding beyond the Expenditure of the United Kingdom should be charged and the same was in and by the said Act made chargeable upon the Consolidated Fund of the United Kingdom, and was directed to be issued and paid, in and for the Quarter of the Year then next ensuing the Quarter of the Year within which such Annual Account respectively was in and by the said Act directed to be made up, either into the Bank of *England* or into the Bank of *Ireland*, to the Account of the Commissioners for the Reduction of the National Debt, as the said Commissioners should direct, to be by them applied towards the Redemption of the National Debt of the United Kingdom, in such Proportions, and at such Time and Times in each and every Quarter in every future Year, as the said Commissioners for the Reduction of the National Debt should require, according to the Provisions and Directions of any Act or Acts then in force respecting Sums issued from the Exchequer towards the Reduction of the said National Debt: And whereas in and by the said Act it was also enacted that the said Commissioners should from Time to Time apply all such respective Annual Sums so placed to their Account by virtue of the said Act, either in the whole or in part, in the Purchase of such redeemable Public Annuities, or Annuities for any Term or Terms of Years, or in the Purchase of Exchequer Bills, or in the paying off Exchequer Bills, or in the advancing of such Annual Sums upon the Credit of any Exchequer Bills therein-before mentioned, as the said Commissioners should from Time to Time judge most expedient: And whereas it is expedient to extend the Powers and Provisions of the said recited Act, and to enable the said Commissioners to purchase from Time to Time with the said Monies or with any Part thereof which shall be so issued to them from Time to Time, under the Provisions of the said Act, within any Quarter in this present Year, or in any future Year after the passing of this Act, the Reversion of any of the existing perpetual redeemable Annuities, or of any of the perpetual redeemable Annuities which may be hereafter created, and which may at any Time be existing after the passing of this Act, and constituting the Public Funded Debt of the United Kingdom;’ be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall and may be lawful
for

for the said Commissioners for the Reduction of the National Debt (and the said Commissioners are hereby authorized and empowered), out of any of the said Monies which shall be issued to them towards the Reduction of the National Debt, by virtue of the said recited Act, or of any other Act or Acts now in force or which may hereafter be passed relating to the Fund commonly called "The Sinking Fund," to apply such Monies or any Part thereof, if they shall think fit, at such Time and Times and under such Regulations as the said Commissioners shall think proper to adopt for that Purpose, to the Purchase of the Reversion of any of the present existing perpetual redeemable Annuities, or the Reversion of any perpetual redeemable Annuities which may at any Time exist after the passing of this Act, and constituting the Public Funded Debt of the United Kingdom, and to grant to any Person or Persons, Bodies Politic or Corporate, in exchange for such perpetual Annuities payable at the Bank of *England* as shall or may be transferred to them under the Provisions of this Act, an Annuity or Annuities, to continue for such limited Term of Years certain, and upon such Terms and Conditions, as shall and may be agreed upon between the said Commissioners and the Parties contracting with the said Commissioners.

the National Debt empowered to apply the Monies of the Sinking Fund to the Purchase of the Reversion of perpetual redeemable Annuities.

II. And be it further enacted, That all Annuities for Term of Years granted by the said Commissioners by virtue of this Act shall be charged and the same are hereby made chargeable upon the Consolidated Fund of the said United Kingdom, and the said Annuities shall be deemed and taken to be Annuities for Terms of Years granted by the said Commissioners within the Meaning and Intent of the Act passed in the Tenth Year of the Reign of King George the Fourth, intituled *An Act to enable the Commissioners for the Reduction of the National Debt to grant Life Annuities, and Annuities for Terms of Years*, and all the Clauses, Conditions, Provisions, Directions, Regulations, and Periods of Payment contained in the said last-recited Act relating to immediate Annuities granted or to be granted by the said Commissioners for certain Terms of Years, and in a certain Act made and passed in the Second and Third Years of the Reign of King William the Fourth, intituled *An Act to transfer the Management of certain Annuities on Lives from the Receipt of His Majesty's Exchequer to the Management of the Commissioners for the Reduction of the National Debt, and to amend an Act for enabling the said Commissioners to grant Life Annuities and Annuities for Terms of Years*, shall be deemed and taken to apply to the Annuities for Terms of Years which shall at any Time be granted by the said Commissioners under and by virtue of this Act, as fully and effectually, to all Intents and Purposes (except as altered and varied by virtue of this Act), as if the said Clauses, Conditions, Provisions, Directions, Regulations, and Periods of Payment were severally repeated and re-enacted in this Act.

Annuities for Term of Years granted by virtue of this Act to be charged upon the Consolidated Fund.

10 G. 4. c. 24.

2 & 3 W. 4. c. 59.

III. And be it further enacted, That all the perpetual Annuities which shall at any Time after the passing of this Act be transferred to the said Commissioners under the Provisions of this Act shall be forthwith cancelled in the Books of the Governor and Company of the Bank of *England*; and the said perpetual Annuities shall cease to be charged upon or to be issued out of the said Consolidated Fund

Perpetual Annuities transferred to Commissioners for the Reduction of the National Debt to be cancelled.

CAP. XXVI.

An Act to repeal so much of an Act passed in the Parliament of *Ireland* in the Thirty-fourth Year of His Majesty King *George* the Third as imposes Fines on the Masters of Vessels lying in the *River Liffey* for having Fires on board. [28th June 1833.]

34 G. 3. (I.)

‘ WHEREAS in and by an Act passed in the Parliament of *Ireland* in the Thirty-fourth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for preventing the graving and careening Ships, Gabbards, or Boats, and to prevent Fires from being kept on board any Ship, Gabbard, or Boat, between the Bridge commonly called Bloody Bridge and the River called Dodder alias Donnybrook, in the River Anna Liffey in the City of Dublin*, it is amongst other things enacted, that no Master or any other Person on board any Ship, Gabbard, or Boat lying in the said River between the said Bridge called the *Bloody Bridge* and the said River *Dodder alias Donnybrook* should keep or make any Fire on board such Ship or Gabbard, for boiling their Pots or Kettles, or for any other Use whatsoever, except Candlelight, unless such Ship or Gabbard lie at least Twenty Yards Distance from the Quays where Houses were built or should hereafter be built, or from any other Ship or Gabbard; and in case any Person should offend therein the Master of such Ship or Gabbard should forfeit the Sum of Forty Shillings, to be recovered in the Manner and applied to the Use in and by the said recited Act directed: And whereas since the said recited Act was passed extensive and commodious Quays have been erected on the Banks of the said River *Anna Liffey*, and it is expedient that so much of the recited Act as is herein-before recited should be repealed:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act so much of the said recited Act as is herein-before recited shall be and the same is hereby repealed.

Part of recited
Act repealed.

CAP. XXVII.

An Act for the Limitation of Actions and Suits relating to Real Property, and for simplifying the Remedies for trying the Rights thereto. [24th July 1833.]

BE it enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Words and Expressions hereinafter mentioned, which in their ordinary Signification have a more confined or a different Meaning, shall in this Act, except where the Nature of the Provision or the Context of the Act shall exclude such Construction, be interpreted as follows; (that is to say,) the Word “Land” shall extend to Manors, Messuages, and all other corporeal Hereditaments whatsoever, and also to Tithes (other than Tithes belonging to a Spiritual or Eleemosynary Corporation Sole), and

Meaning of
the Words in
the Act:

“Land.”

and also to any Share, Estate, or Interest in them or any of them, whether the same shall be a Freehold or Chattel Interest, and whether Freehold or Copyhold, or held according to any other Tenure; and the Word "Rent" shall extend to all Heriots, and to all Services and Suits for which a Distress may be made, and to all Annuities and periodical Sums of Money charged upon or payable out of any Land (except Moduses or Compositions belonging to a Spiritual or Eleemosynary Corporation Sole); and the Person through whom another Person is said to claim shall mean any Person by, through, or under, or by the Act of whom, the Person so claiming became entitled to the Estate or Interest claimed, as Heir, Issue in Tail, Tenant by the Curtesy of *England*, Tenant in Dower, Successor, special or general Occupant, Executor, Administrator, Legatee, Husband, Assignee, Appointee, Devisee, or otherwise, and also any Person who was entitled to an Estate or Interest to which the Person so claiming, or some Person through whom he claims, became entitled as Lord by Escheat; and the Word "Person" shall extend to a Body Politic, Corporate, or Collegiate, and to a Class of Creditors or other Persons, as well as an Individual; and every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male.

"Rent."

Person through whom another claims.

"Person."

Number and Gender.

II. And be it further enacted, That after the Thirty-first Day of *December* One thousand eight hundred and thirty-three no Person shall make an Entry or Distress or bring an Action to recover any Land or Rent but within Twenty Years next after the Time at which the Right to make such Entry or Distress or to bring such Action shall have first accrued to some Person through whom he claims; or if such Right shall not have accrued to any Person through whom he claims, then within Twenty Years next after the Time at which the Right to make such Entry or Distress or to bring such Action shall have first accrued to the Person making or bringing the same.

No Land or Rent to be recovered but within Twenty Years after the Right of Action accrued to the Claimant, or some Person whose Estate he claims.

III. And be it further enacted, That in the Construction of this Act the Right to make an Entry or Distress or bring an Action to recover any Land or Rent shall be deemed to have first accrued at such Time as herein-after is mentioned; (that is to say,) when the Person claiming such Land or Rent, or some Person through whom he claims, shall, in respect of the Estate or Interest claimed, have been in Possession or in Receipt of the Profits of such Land, or in Receipt of such Rent, and shall while entitled thereto have been dispossessed, or have discontinued such Possession or Receipt, then such Right shall be deemed to have first accrued at the Time of such Dispossession or Discontinuance of Possession, or at the last Time at which any such Profits or Rent were or was so received; and when the Person claiming such Land or Rent shall claim the Estate or Interest of some deceased Person who shall have continued in such Possession or Receipt in respect of the same Estate or Interest until the Time of his Death, and shall have been the last Person entitled to such Estate or Interest who shall have been in such Possession or Receipt, then such Right shall be deemed to have first accrued at the Time of such Death; and when the Person claiming

When the Right shall be deemed to have accrued: in the Case of an Estate in Possession;

on Dispossession;

on Abatement or Death;

on Alienation;

in case of future Estates;

in case of Forfeiture or Breach of Condition.

Where advantage of Forfeiture is not taken by Remainderman, he shall have a new Right when his Estate comes into Possession.

Reversioner to have a new Right.

An Administrator to claim as if he obtained the Estate without Interval after Death of Deceased.

In the Case of a Tenant at Will, the Right shall be deemed to have accrued at the End of One Year.

claiming such Land or Rent shall claim in respect of an Estate or Interest in Possession granted, appointed, or otherwise assured by any Instrument (other than a Will) to him, or some Person through whom he claims, by a Person being in respect of the same Estate or Interest in the Possession or Receipt of the Profits of the Land, or in the Receipt of the Rent, and no Person entitled under such Instrument shall have been in such Possession or Receipt, then such Right shall be deemed to have first accrued at the Time at which the Person claiming as aforesaid, or the Person through whom he claims, became entitled to such Possession or Receipt by virtue of such Instrument; and when the Estate or Interest claimed shall have been an Estate or Interest in Reversion or Remainder, or other future Estate or Interest, and no Person shall have obtained the Possession or Receipt of the Profits of such Land or the Receipt of such Rent in respect of such Estate or Interest, then such Right shall be deemed to have first accrued at the Time at which such Estate or Interest became an Estate or Interest in Possession; and when the Person claiming such Land or Rent, or the Person through whom he claims, shall have become entitled by reason of any Forfeiture or Breach of Condition, then such Right shall be deemed to have first accrued when such Forfeiture was incurred or such Condition was broken.

IV. Provided always, That when any Right to make an Entry or Distress or to bring an Action to recover any Land or Rent by reason of any Forfeiture or Breach of Condition shall have first accrued in respect of any Estate or Interest in Reversion or Remainder, and the Land or Rent shall not have been recovered by virtue of such Right, the Right to make an Entry or Distress or bring an Action to recover such Land or Rent shall be deemed to have first accrued in respect of such Estate or Interest at the Time when the same shall have become an Estate or Interest in Possession, as if no such Forfeiture or Breach of Condition had happened.

V. Provided also, That a Right to make an Entry or Distress or to bring an Action to recover any Land or Rent shall be deemed to have first accrued, in respect of an Estate or Interest in Reversion, at the Time at which the same shall have become an Estate or Interest in Possession by the Determination of any Estate or Estates in respect of which such Land shall have been held, or the Profits thereof or such Rent shall have been received, notwithstanding the Person claiming such Land, or some Person through whom he claims, shall, at any Time previously to the Creation of the Estate or Estates which shall have determined, have been in Possession or Receipt of the Profits of such Land, or in Receipt of such Rent.

VI. And be it further enacted, That for the Purposes of this Act an Administrator claiming the Estate or Interest of the deceased Person of whose Chattels he shall be appointed Administrator shall be deemed to claim as if there had been no Interval of Time between the Death of such deceased Person and the Grant of the Letters of Administration.

VII. And be it further enacted, That when any Person shall be in Possession or in Receipt of the Profits of any Land, or in Receipt of any Rent, as Tenant at Will, the Right of the Person entitled subject thereto, or of the Person through whom he claims, to make an Entry or Distress or bring an Action to recover such Land

Land or Rent shall be deemed to have first accrued either at the Determination of such Tenancy, or at the Expiration of One Year next after the Commencement of such Tenancy, at which Time such Tenancy shall be deemed to have determined: Provided always, that no Mortgagor or Cestuique Trust shall be deemed to be a Tenant at Will, within the Meaning of this Clause, to his Mortgagee or Trustee.

VIII. And be it further enacted, That when any Person shall be in Possession or in Receipt of the Profits of any Land, or in Receipt of any Rent, as Tenant from Year to Year or other Period, without any Lease in Writing, the Right of the Person entitled subject thereto, or of the Person through whom he claims, to make an Entry or Distress or to bring an Action to recover such Land or Rent shall be deemed to have first accrued at the Determination of the first of such Years or other Periods, or at the last Time when any Rent payable in respect of such Tenancy shall have been received (which shall last happen).

IX. And be it further enacted, That when any Person shall be in Possession or in Receipt of the Profits of any Land, or in Receipt of any Rent, by virtue of a Lease in Writing, by which a Rent amounting to the yearly Sum of Twenty Shillings or upwards shall be reserved, and the Rent reserved by such Lease shall have been received by some Person wrongfully claiming to be entitled to such Land or Rent in Reversion immediately expectant on the Determination of such Lease, and no Payment in respect of the Rent reserved by such Lease shall afterwards have been made to the Person rightfully entitled thereto, the Right of the Person entitled to such Land or Rent, subject to such Lease, or of the Person through whom he claims, to make an Entry or Distress or to bring an Action after the Determination of such Lease shall be deemed to have first accrued at the Time at which the Rent reserved by such Lease was first so received by the Person wrongfully claiming as aforesaid; and no such Right shall be deemed to have first accrued upon the Determination of such Lease to the Person rightfully entitled.

X. And be it further enacted, That no Person shall be deemed to have been in Possession of any Land within the Meaning of this Act merely by reason of having made an Entry thereon.

XI. And be it further enacted, That no continual or other Claim upon or near any Land shall preserve any Right of making an Entry or Distress or of bringing an Action.

XII. And be it further enacted, That when any One or more of several Persons entitled to any Land or Rent as Coparceners, Joint Tenants, or Tenants in Common, shall have been in Possession or Receipt of the Entirety, or more than his or their undivided Share or Shares of such Land or of the Profits thereof, or of such Rent, for his or their own Benefit, or for the Benefit of any Person or Persons other than the Person or Persons entitled to the other Share or Shares of the same Land or Rent, such Possession or Receipt shall not be deemed to have been the Possession or Receipt of or by such last-mentioned Person or Persons or any of them.

XIII. And be it further enacted, That when a younger Brother or other Relation of the Person entitled as Heir to the Possession

No Person, after a Tenancy from Year to Year, to have any Right but from the End of the first Year, or last Payment of Rent.

Where Rent amounting to 20s., reserved by a Lease in Writing, shall have been wrongfully received, no Right to accrue on the Determination of the Lease.

A mere Entry not to be deemed Possession.

No Right to be preserved by continual Claim.

Possession of one Coparcener, &c., not to be the Possession of the others.

Possession of a younger Brother not to be the

Possession of the Heir.

or Receipt of the Profits of any Land, or to the Receipt of any Rent, shall enter into the Possession or Receipt thereof, such Possession or Receipt shall not be deemed to be the Possession or Receipt of or by the Person entitled as Heir.

Acknowledgment in Writing given to the Person entitled, or his Agent, to be equivalent to Possession or Receipt of Rent.

XIV. Provided always, and be it further enacted, That when any Acknowledgment of the Title of the Person entitled to any Land or Rent shall have been given to him or his Agent in Writing signed by the Person in Possession or in Receipt of the Profits of such Land, or in Receipt of such Rent, then such Possession or Receipt of or by the Person by whom such Acknowledgment shall have been given shall be deemed, according to the Meaning of this Act, to have been the Possession or Receipt of or by the Person to whom or to whose Agent such Acknowledgment shall have been given at the Time of giving the same, and the Right of such last-mentioned Person, or any Person claiming through him, to make an Entry or Distress or bring an Action to recover such Land or Rent shall be deemed to have first accrued at and not before the Time at which such Acknowledgment, or the last of such Acknowledgments if more than One, was given.

Where Possession is not adverse at the Time of passing the Act, the Right shall not be barred until the End of Five Years afterwards.

XV. Provided also, and be it further enacted, That when no such Acknowledgment as aforesaid shall have been given before the passing of this Act, and the Possession or Receipt of the Profits of the Land, or the Receipt of the Rent, shall not at the Time of the passing of this Act have been adverse to the Right or Title of the Person claiming to be entitled thereto, then such Person, or the Person claiming through him, may, notwithstanding the Period of Twenty Years herein-before limited shall have expired, make an Entry or Distress or bring an Action to recover such Land or Interest at any Time within Five Years next after the passing of this Act.

Persons under Disability of Infancy, Lunacy, Coverture, or beyond Seas, and their Representatives, to be allowed Ten Years from the Termination of their Disability or Death.

XVI. Provided always, and be it further enacted, That if at the Time at which the Right of any Person to make an Entry or Distress or bring an Action to recover any Land or Rent shall have first accrued as aforesaid such Person shall have been under any of the Disabilities herein-after mentioned, (that is to say,) Infancy, Coverture, Idiocy, Lunacy, Unsoundness of Mind, or Absence beyond Seas, then such Person, or the Person claiming through him, may, notwithstanding the Period of Twenty Years herein-before limited shall have expired, make an Entry or Distress or bring an Action to recover such Land or Rent at any Time within Ten Years next after the Time at which the Person to whom such Right shall first have accrued as aforesaid shall have ceased to be under any such Disability, or shall have died (which shall have first happened).

But no Action, &c. shall be brought beyond Forty Years after the Right of Action accrued.

XVII. Provided nevertheless, and be it further enacted, That no Entry, Distress, or Action shall be made or brought by any Person who, at the Time at which his Right to make an Entry or Distress or to bring an Action to recover any Land or Rent shall have first accrued, shall be under any of the Disabilities herein-before mentioned, or by any Person claiming through him, but within Forty Years next after the Time at which such Right shall have first accrued, although the Person under Disability at such Time may have remained under One or more of such Disabilities during the whole of such Forty Years, or although the Term of Ten Years from

from the Time at which he shall have ceased to be under any such Disability, or have died, shall not have expired.

XVIII. Provided always, and be it further enacted, That when any Person shall be under any of the Disabilities herein-before mentioned at the Time at which his Right to make an Entry or Distress or to bring an Action to recover any Land or Rent shall have first accrued, and shall depart this Life without having ceased to be under any such Disability, no Time to make an Entry or Distress or to bring an Action to recover such Land or Rent beyond the said Period of Twenty Years next after the Right of such Person to make an Entry or Distress or to bring an Action to recover such Land or Rent shall have first accrued, or the said Period of Ten Years next after the Time at which such Person shall have died, shall be allowed by reason of any Disability of any other Person.

No further Time to be allowed for a Succession of Disabilities.

XIX. And be it further enacted, That no Part of the United Kingdom of *Great Britain and Ireland*, nor the Islands of *Man, Guernsey, Jersey, Alderney, or Sark*, nor any Island adjacent to any of them (being Part of the Dominions of His Majesty), shall be deemed to be beyond Seas within the Meaning of this Act.

Scotland, Ireland, and the adjacent Islands not to be deemed beyond Seas.

XX. And be it further enacted, That when the Right of any Person to make an Entry or Distress or bring an Action to recover any Land or Rent to which he may have been entitled for an Estate or Interest in Possession shall have been barred by the Determination of the Period herein-before limited, which shall be applicable in such Case, and such Person shall at any Time during the said Period have been entitled to any other Estate, Interest, Right, or Possibility, in Reversion, Remainder, or otherwise, in or to the same Land or Rent, no Entry, Distress, or Action shall be made or brought by such Person, or any Person claiming through him, to recover such Land or Rent, in respect of such other Estate, Interest, Right, or Possibility, unless in the meantime such Land or Rent shall have been recovered by some Person entitled to an Estate, Interest, or Right which shall have been limited or taken effect after or in defeasance of such Estate or Interest in Possession.

When the Right to an Estate in Possession is barred, the Right of the same Person to future Estates shall also be barred.

XXI. And be it further enacted, That when the Right of a Tenant in Tail of any Land or Rent to make an Entry or Distress or to bring an Action to recover the same shall have been barred by reason of the same not having been made or brought within the Period herein-before limited, which shall be applicable in such Case, no such Entry, Distress, or Action shall be made or brought by any Person claiming any Estate, Interest, or Right which such Tenant in Tail might lawfully have barred.

Where Tenant in Tail is barred, Remaindermen, whom he might have barred, shall not recover.

XXII. And be it further enacted, That when a Tenant in Tail of any Land or Rent, entitled to recover the same, shall have died before the Expiration of the Period herein-before limited, which shall be applicable in such Case, for making an Entry or Distress or bringing an Action to recover such Land or Rent, no Person claiming any Estate, Interest, or Right which such Tenant in Tail might lawfully have barred shall make an Entry or Distress or bring an Action to recover such Land or Rent but within the Period during which, if such Tenant in Tail had so long continued to live, he might have made such Entry or Distress or brought such Action.

Possession adverse to a Tenant in Tail shall run on against the Remaindermen whom he might have barred.

XXIII. And

Where there shall have been Possession, under an Assurance, by a Tenant in Tail, which shall not bar the Remainders, they shall be barred at the End of Twenty Years after the Time when the Assurance, if then executed, would have barred them.

No Suit in Equity to be brought after the Time when the Plaintiff, if entitled at Law, might have brought an Action.

In Cases of express Trust, the Right shall not be deemed to have accrued until a Conveyance to a Purchaser.

In Cases of Fraud no Time shall run whilst the Fraud remains concealed.

Saving the Jurisdiction of Equity on the

XXIII. And be it further enacted, That when a Tenant in Tail of any Land or Rent shall have made an Assurance thereof, which shall not operate to bar an Estate or Estates to take effect after or in defeasance of his Estate Tail, and any Person shall by virtue of such Assurance, at the Time of the Execution thereof, or at any Time afterwards, be in Possession or Receipt of the Profits of such Land, or in the Receipt of such Rent, and the same Person, or any other Person whatsoever (other than some Person entitled to such Possession or Receipt in respect of an Estate which shall have taken effect after or in defeasance of the Estate Tail), shall continue or be in such Possession or Receipt for the Period of Twenty Years next after the Commencement of the Time at which such Assurance, if it had then been executed by such Tenant in Tail or the Person who would have been entitled to his Estate Tail if such Assurance had not been executed, would, without the Consent of any other Person, have operated to bar such Estate or Estates as aforesaid, then at the Expiration of such Period of Twenty Years such Assurance shall be and be deemed to have been effectual as against any Person claiming any Estate, Interest, or Right to take effect after or in defeasance of such Estate Tail.

XXIV. And be it further enacted, That after the said Thirty-first Day of *December* One thousand eight hundred and thirty-three no Person claiming any Land or Rent in Equity shall bring any Suit to recover the same but within the Period during which by virtue of the Provisions herein-before contained he might have made an Entry or Distress or brought an Action to recover the same respectively if he had been entitled at Law to such Estate, Interest, or Right in or to the same as he shall claim therein in Equity.

XXV. Provided always, and be it further enacted, That when any Land or Rent shall be vested in a Trustee upon any express Trust, the Right of the Cestuique Trust, or any Person claiming through him, to bring a Suit against the Trustee, or any Person claiming through him, to recover such Land or Rent, shall be deemed to have first accrued, according to the Meaning of this Act, at and not before the Time at which such Land or Rent shall have been conveyed to a Purchaser for a valuable Consideration, and shall then be deemed to have accrued only as against such Purchaser and any Person claiming through him.

XXVI. And be it further enacted, That in every Case of a concealed Fraud the Right of any Person to bring a Suit in Equity for the Recovery of any Land or Rent of which he, or any Person through whom he claims, may have been deprived by such Fraud, shall be deemed to have first accrued at and not before the Time at which such Fraud shall or with reasonable Diligence might have been first known or discovered; provided that nothing in this Clause contained shall enable any Owner of Lands or Rents to have a Suit in Equity for the Recovery of such Lands or Rents, or for setting aside any Conveyance of such Lands or Rents, on account of Fraud, against any *bond fide* Purchaser for valuable Consideration who has not assisted in the Commission of such Fraud, and who at the Time that he made the Purchase did not know and had no Reason to believe that any such Fraud had been committed.

XXVII. Provided always, and be it further enacted, That nothing in this Act contained shall be deemed to interfere with any Rule

Rule or Jurisdiction of Courts of Equity in refusing Relief on the Ground of Acquiescence or otherwise to any Person whose Right to bring a Suit may not be barred by virtue of this Act.

Ground of Acquiescence or otherwise.

XXVIII. And be it further enacted, That when a Mortgagee shall have obtained the Possession or Receipt of the Profits of any Land, or the Receipt of any Rent, comprised in his Mortgage, the Mortgagor or any Person claiming through him shall not bring a Suit to redeem the Mortgage but within Twenty Years next after the Time at which the Mortgagee obtained such Possession or Receipt, unless in the meantime an Acknowledgment of the Title of the Mortgagor or of his Right of Redemption shall have been given to the Mortgagee, or some Person claiming his Estate, or to the Agent of such Mortgagor or Person, in Writing signed by the Mortgagee or the Person claiming through him; and in such Case no such Suit shall be brought but within Twenty Years next after the Time at which such Acknowledgment, or the last of such Acknowledgments if more than One, was given; and when there shall be more than One Mortgagor, or more than One Person claiming through the Mortgagor or Mortgagors, such Acknowledgment, if given to any of such Mortgagors or Persons, or his or their Agent, shall be as effectual as if the same had been given to all such Mortgagors or Persons; but where there shall be more than One Mortgagee, or more than One Person claiming the Estate or Interest of the Mortgagee or Mortgagees, such Acknowledgment, signed by One or more of such Mortgagees or Persons, shall be effectual only as against the Party or Parties signing as aforesaid, and the Person or Persons claiming any Part of the Mortgage Money or Land or Rent, by from, or under him or them, and any Person or Persons entitled to any Estate or Estates, Interest or Interests, to take effect after or in defeasance of his or their Estate or Estates, Interest or Interests, and shall not operate to give to the Mortgagor or Mortgagors a Right to redeem the Mortgage as against the Person or Persons entitled to any other undivided or divided Part of the Money or Land or Rent; and where such of the Mortgagees or Persons aforesaid as shall have given such Acknowledgment shall be entitled to a divided Part of the Land or Rent comprised in the Mortgage, or some Estate or Interest therein, and not to any ascertained Part of the mortgaged Money, the Mortgagor or Mortgagors shall be entitled to redeem the same divided Part of the Land or Rent on Payment, with Interest, of the Part of the Mortgage Money which shall bear the same Proportion to the whole of the Mortgage Money as the Value of such divided Part of the Land or Rent shall bear to the Value of the whole of the Land or Rent comprised in the Mortgage.

Mortgagor to be barred at the End of Twenty Years from the Time when the Mortgagee took Possession, or from the last written Acknowledgment.

XXIX. Provided always, and be it further enacted, That it shall be lawful for any Archbishop, Bishop, Dean, Prebendary, Parson, Vicar, Master of Hospital, or other Spiritual or Eleemosynary Corporation Sole, to make an Entry or Distress or to bring an Action or Suit to recover any Land or Rent within such Period as herein-after is mentioned next after the Time at which the Right of such Corporation Sole, or of his Predecessor, to make such Entry or Distress or bring such Action or Suit shall first have accrued; (that is to say,) the Period during which Two Persons in Succession shall have held the Office or Benefice in respect whereof such

No Lands or Rents to be recovered by Ecclesiastical or Eleemosynary Corporations Sole but within Two Incumbencies and Six Years, or Sixty Years.

Land or Rent shall be claimed, and Six Years after a Third Person shall have been appointed thereto, if the Times of such Two Incumbencies and such Term of Six Years taken together shall amount to the full Period of Sixty Years; and if such Times taken together shall not amount to the full Period of Sixty Years, then during such further Number of Years in addition to such Six Years as will with the Time of the holding of such Two Persons and such Six Years make up the full Period of Sixty Years; and after the said Thirty-first Day of *December* One thousand eight hundred and thirty-three no such Entry, Distress, Action, or Suit shall be made or brought at any Time beyond the Determination of such Period.

No Advowson to be recovered but within Three Incumbencies or Sixty Years.

XXX. And be it further enacted, That after the said Thirty-first Day of *December* One thousand eight hundred and thirty-three no Person shall bring any Quare impedit or other Action or any Suit to enforce a Right to present to or bestow any Church, Vicarage, or other Ecclesiastical Benefice, as the Patron thereof, after the Expiration of such Period as herein-after is mentioned; (that is to say,) the Period during which Three Clerks in succession shall have held the same, all of whom shall have obtained Possession thereof adversely to the Right of Presentation or Gift of such Person, or of some Person through whom he claims, if the Times of such Incumbencies taken together shall amount to the full Period of Sixty Years; and if the Times of such Incumbencies shall not together amount to the full Period of Sixty Years, then after the Expiration of such further Time as with the Times of such Incumbencies will make up the full Period of Sixty Years.

Incumbencies after Lapse to be reckoned within the Period, but not Incumbencies after Promotions to Bishopricks.

XXXI. Provided always, and be it further enacted, That when on the Avoidance, after a Clerk shall have obtained Possession of an Ecclesiastical Benefice adversely to the Right of Presentation or Gift of the Patron thereof, a Clerk shall be presented or collated thereto by His Majesty or the Ordinary by reason of a Lapse, such last-mentioned Clerk shall be deemed to have obtained Possession adversely to the Right of Presentation or Gift of such Patron as aforesaid; but when a Clerk shall have been presented by His Majesty upon the Avoidance of a Benefice in consequence of the Incumbent thereof having been made a Bishop, the Incumbency of such Clerk shall, for the Purposes of this Act, be deemed a Continuation of the Incumbency of the Clerk so made Bishop.

When Person claiming an Advowson in Remainder, &c. after an Estate Tail, shall be barred.

XXXII. And be it further enacted, That in the Construction of this Act every Person claiming a Right to present to or bestow any Ecclesiastical Benefice, as Patron thereof, by virtue of any Estate, Interest, or Right which the Owner of an Estate Tail in the Advowson might have barred, shall be deemed to be a Person claiming through the Person entitled to such Estate Tail, and the Right to bring any Quare impedit, Action, or Suit shall be limited accordingly.

No Advowson to be recovered after 100 Years.

XXXIII. Provided always, and be it further enacted, That after the said Thirty-first Day of *December* One thousand eight hundred and thirty-three no Person shall bring any Quare impedit or other Action or any Suit to enforce a Right to present to or bestow any Ecclesiastical Benefice, as the Patron thereof, after the Expiration of One hundred Years from the Time at which a Clerk shall have obtained Possession of such Benefice adversely to the Right of Presentation or Gift of such Person, or of some Person through whom

he claims, or of some Person entitled to some preceding Estate or Interest, or undivided Share, or alternate Right of Presentation or Gift, held or derived under the same Title, unless a Clerk shall subsequently have obtained Possession of such Benefice on the Presentation or Gift of the Person so claiming, or of some Person through whom he claims, or of some other Person entitled in respect of an Estate, Share, or Right held or derived under the same Title.

XXXIV. And be it further enacted, That at the Determination of the Period limited by this Act to any Person for making an Entry or Distress, or bringing any Writ of Quare impedit or other Action or Suit, the Right and Title of such Person to the Land, Rent, or Advowson for the Recovery whereof such Entry, Distress, Action, or Suit respectively might have been made or brought within such Period, shall be extinguished.

At the End of the Period of Limitation the Right of the Party out of Possession to be extinguished.

XXXV. And be it further enacted, That the Receipt of the Rent payable by any Tenant from Year to Year, or other Lessee, shall, as against such Lessee or any Person claiming under him (but subject to the Lease), be deemed to be the Receipt of the Profits of the Land for the Purposes of this Act.

Receipt of Rent to be deemed Receipt of Profits.

XXXVI. And be it further enacted, That no Writ of Right Patent, Writ of Right Quia dominus remisit curiam, Writ of Right in capite, Writ of Right in *London*, Writ of Right Close, Writ of Right de rationabili parte, Writ of Right of Advowson, Writ of Right upon Disclaimer, Writ De rationabilibus divisis, Writ of Right of Ward, Writ De consuetudinibus et servitiis, Writ of Cessavit, Writ of Escheat, Writ of Quo jure, Writ of Secta ad molendinum, Writ De essendo quietum de theolonio, Writ of Ne injuste vexes, Writ of Mesne, Writ of Quod permittat, Writ of Formedon in descender, in remainder, or in reverter, Writ of Assize of novel disseisin, Nuisance, Darrein-presentment, Juris utrum, or Mort d'ancestor, Writ of Entry sur disseisin, in the quibus, in the per, in the per and cui, or in the post, Writ of Entry sur intrusion, Writ of Entry sur alienation, Dum fuit non compos mentis, Dum fuit infra ætatem, Dum fuit in prisiona, Ad communem legem, In casu proviso, In consimili casu, Cui in vita, Sur cui in vita, Cui ante divortium, or Sur cui ante divortium, Writ of Entry sur abatement, Writ of Entry Quare ejecit infra terminum, or Ad terminum qui præteriit, or Causa matrimonii prælocuti, Writ of Aiel, Besaiel, Tresaiel, Cosinage, or Nuper obiit, Writ of Waste, Writ of Partition, Writ of Disceit, Writ of Quod ei deforceat, Writ of Covenant real, Writ of Warrantia chartæ, Writ of Curia claudenda, or Writ Per quæ servitia, and no other Action real or mixed (except a Writ of Right of Dower, or Writ of Dower unde nihil habet, or a Quare impedit, or an Ejectment,) and no Plaintiff in the Nature of any such Writ or Action (except a Plaintiff for Freebench or Dower), shall be brought after the Thirty-first Day of *December* One thousand eight hundred and thirty-four.

Real and mixed Actions abolished after the 31st December 1834;

except for Dower, Quare impedit, and Ejectment.

XXXVII. Provided always, and be it further enacted, That when on the said Thirty-first Day of *December* One thousand eight hundred and thirty-four, any Person who shall not have a Right of Entry to any Land shall be entitled to maintain any such Writ or Action as aforesaid in respect of such Land, such Writ or

Real Actions may be brought until the 1st June 1835.

Action may be brought at any Time before the First Day of *June* One thousand eight hundred and thirty-five in case the same might have been brought if this Act had not been made, notwithstanding the Period of Twenty Years herein-before limited shall have expired.

Saving the Rights of Persons entitled to real Actions only at the Commencement of the Act, &c.

XXXVIII. Provided also, and be it further enacted, That when, on the said First Day of *June* One thousand eight hundred and thirty-five, any Person whose Right of Entry to any Land shall have been taken away by any Descent, Cast, Discontinuance, or Warranty, might maintain any such Writ or Action as aforesaid in respect of such Land, such Writ or Action may be brought after the said First Day of *June* One thousand eight hundred and thirty-five, but only within the Period during which, by virtue of the Provisions of this Act, an Entry might have been made upon the same Land by the Person bringing such Writ or Action if his Right of Entry had not been so taken away.

No Descent, Warranty, &c. to bar a Right of Entry.

XXXIX. And be it further enacted, That no Descent, Cast, Discontinuance, or Warranty which may happen or be made after the said Thirty-first Day of *December* One thousand eight hundred and thirty-three shall toll or defeat any Right of Entry or Action for the Recovery of Land.

Money charged upon Land and Legacies to be deemed satisfied at the End of Twenty Years if there shall be no Interest paid or Acknowledgment in Writing in the meantime.

XL. And be it further enacted, That after the said Thirty-first Day of *December* One thousand eight hundred and thirty-three no Action or Suit or other Proceeding shall be brought, to recover any Sum of Money secured by any Mortgage, Judgment, or Lien, or otherwise charged upon or payable out of any Land or Rent; at Law or in Equity, or any Legacy, but within Twenty Years next after a present Right to receive the same shall have accrued to some Person capable of giving a Discharge for or Release of the same, unless in the meantime some Part of the Principal Money, or some Interest thereon, shall have been paid, or some Acknowledgment of the Right thereto shall have been given in Writing signed by the Person by whom the same shall be payable, or his Agent, to the Person entitled thereto or his Agent; and in such Case no such Action or Suit or Proceeding shall be brought but within Twenty Years after such Payment or Acknowledgment, or the last of such Payments or Acknowledgments if more than One, was given.

No Arrears of Dower to be recovered for more than Six Years.

XLI. And be it further enacted, That after the said Thirty-first Day of *December* One thousand eight hundred and thirty-three no Arrears of Dower, nor any Damages on account of such Arrears, shall be recovered or obtained by any Action or Suit for a longer Period than Six Years next before the Commencement of such Action or Suit.

No Arrears of Rent or Interest to be recovered for more than Six Years.

XLII. And be it further enacted, That after the said Thirty-first Day of *December* One thousand eight hundred and thirty-three no Arrears of Rent or of Interest in respect of any Sum of Money charged upon or payable out of any Land or Rent, or in respect of any Legacy, or any Damages in respect of such Arrears of Rent or Interest, shall be recovered by any Distress, Action, or Suit but within Six Years next after the same respectively shall have become due, or next after an Acknowledgment of the same in Writing shall have been given to the Person entitled thereto, or his Agent, signed by the Person by whom the same was payable, or his Agent: Provided nevertheless, that where any prior Mortgagee or other

Incum-

see 242 & 3 as to proper use of by law

Incumbrancer shall have been in Possession of any Land, or in the Receipt of the Profits thereof, within One Year next before an Action or Suit shall be brought by any Person entitled to a subsequent Mortgage or other Incumbrance on the same Land, the Person entitled to such subsequent Mortgage or Incumbrance may recover in such Action or Suit the Arrears of Interest which shall have become due during the whole Time that such prior Mortgagee or Incumbrancer was in such Possession or Receipt as aforesaid; although such Time may have exceeded the said Term of Six Years.

XLIII. And be it further enacted, That after the said Thirty-first Day of *December* One thousand eight hundred and thirty-three no Person claiming any Tithes, Legacy, or other Property for the Recovery of which he might bring an Action or Suit at Law or in Equity, shall bring a Suit or other Proceeding in any Spiritual Court to recover the same but within the Period during which he might bring such Action or Suit at Law or in Equity.

Act to extend
to the Spiritual
Courts.

XLIV. Provided always, and be it further enacted, That this Act shall not extend to *Scotland*; and shall not, so far as it relates to any Right to permit to or bestow any Church, Vicarage, or other Ecclesiastical Benefice, extend to *Ireland*.

Act not to ex-
tend to Scotland
nor to Advow-
sons in Ireland.

XLV. And be it further enacted, That this Act may be amended, altered, or repealed during this present Session of Parliament.

Act may be
amended.

CAP. XXVIII.

An Act to repeal an Act of the Thirteenth Year of His Majesty King *George* the First, for the better Regulation of the Woollen Trade. [24th July 1833.]

‘WHEREAS an Act was passed in the Thirteenth Year of the Reign of His Majesty King *George* the First, intituled *An Act for the better Regulation of the Woollen Manufacture, and for preventing Disputes among the Persons concerned therein; and for limiting a Time for prosecuting for the Forfeiture appointed by an Act of the Twelfth Year of His Majesty's Reign, in case of Payment of the Workmen's Wages in any other Manner than in Money*: And whereas the said Act is at this Day not only unnecessary, but if enforced might be extremely injurious; and it is therefore expedient to repeal the same:’ Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act be and the same is hereby repealed.

13 G. 1. c. 23.

Recited Act
repealed.

CAP. XXIX.

An Act to make further Provisions with respect to the Payment of Pensions granted for Service in the Royal Artillery, Engineers, and other Military Corps, under the Controul of the Master General and Board of Ordnance, and with respect to Deductions hereafter to be made from Pensions granted by the Commissioners of *Chelsea* Hospital. [24th July 1833.]

‘WHEREAS it is expedient that the Pensions, Allowance, and Relief payable to Soldiers and others disabled, invalid or discharged from the Royal Artillery, Engineers, and other Military

Pensions heretofore granted by the Board of Ordnance to be granted by the Commissioners of Chelsea Hospital.

Regulations relating to Army Pensions to be applicable to Pensions granted under this Act.

Deduction from Pensions to be 2½ per Cent. instead of 5 per Cent. in the Cases herein-after mentioned.

repealed by 10. 211 P. C. 4

‘ Military Corps, which have hitherto been granted and paid by or under the Authority of the Board of Ordnance, should hereafter be granted and paid by and under the Authority of the Lords and others Commissioners of the Royal Hospital for Soldiers at *Chelsea* in the County of *Middlesex*, under the like Rules, Provisions, and Regulations as Pensions, Allowances, and Relief granted to other disabled, invalid, and discharged Soldiers;’ be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the whole of the said Pensions, Allowances, and Relief payable to Soldiers and others discharged from the Royal Artillery, Engineers, and other Military Corps which have been heretofore granted and paid by the said Master General and Board of Ordnance, shall be granted and paid by and be under the Power, Management, Controul, Direction, and Authority of the said Commissioners of *Chelsea* Hospital.

II. And be it further enacted, That all the Clauses, Rules, Regulations, Powers, Pains, Forfeitures, Matters, and Things contained in any Act or Acts of Parliament now in force relating to Pensions granted or to be granted to disabled, invalid, or discharged Soldiers, shall be applicable and applied and put in force for the Purposes of this Act, with respect to all subsisting Pensions already granted by the Board of Ordnance on account of the Services, herein-before mentioned, and to all Pensions, Relief, and Allowances hereafter to be granted and payable to Soldiers and others on account of such Services.

III. And be it enacted, That the Treasurer of *Chelsea* Hospital shall and may withhold and deduct from and out of all Monies which shall and may be applicable to the Payment of Pensions granted or to be hereafter granted by the Commissioners of *Chelsea* Hospital to any disabled, invalid, or discharged Soldiers, Artillerymen, or other Persons as aforesaid, who shall have enlisted since the First Day of *March* last, or who shall hereafter enlist, the Sum of Sixpence in the Pound only instead of One Shilling in the Pound which has heretofore been deducted by the said Treasurer of *Chelsea* Hospital, and which is to continue to be deducted from all Pensions granted for Services under Enlistments which have taken place previously to the said First Day of *March* last, subject to the following Proviso or Exception (that is to say): Provided nevertheless, that no Deduction shall be made by the said Treasurer of *Chelsea* Hospital from any Pensions which have already been granted by the said Master General and Board of Ordnance without being subject to any Deductions, and the Sum of Sixpence in the Pound only shall be deducted from such Pensions as have been granted by the said Master General and Board of Ordnance subject to such Deduction of Sixpence in the Pound only; and all such Deductions as are herein-before directed to be made by the said Treasurer of *Chelsea* Hospital shall continue to be applied according to the Provisions of an Act passed in the Twenty-eighth Year of the Reign of His Majesty King *George* the Second, intituled *An Act for the Relief of the Out-Pensioners of the Royal Hospital at Chelsea*.

IV. And be it enacted, That all Orders made by Non-commissioned Officers and Soldiers for the Payment of Prize Money, executed

28 G. 2. c. 1.

Orders for Payment of Prize not exceeding

executed in any Part of the United Kingdom, for Sums not exceeding Forty Shillings, shall be exempt from Stamp Duty, and for Sums exceeding Forty Shillings shall be subject to a Stamp Duty of One Shilling only, and that no Fee or Payment whatever shall be demanded or taken from any Out-Pensioner of *Chelsea Hospital*, or charged against him, for administering or attesting any Oath necessary or required to be taken for the Receipt of any Pension or Allowance of Money payable at or from *Chelsea Hospital*, or for the making or executing or attesting any Assignment of Out-Pension, or Orders of Justices relating to any Out-Pension, or to any Payment on account thereof.

40s., executed in the United Kingdom, to be exempt from Stamp Duty; and no Fee for Affidavits.

CAP. XXX.

An Act to exempt from Poor and Church Rates all Churches, Chapels, and other Places of Religious Worship. [24th July 1833.]

WHEREAS it is expedient that Churches, Chapels, and other Places exclusively appropriated to public Religious Worship should be exempt from the Payment of Poor and Church Rates: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *October* One thousand eight hundred and thirty-three no Person or Persons shall be rated or shall be liable to be rated, or to pay to any Church or Poor Rates or Cesses, for or in respect of any Churches, District Churches, Chapels, Meeting Houses, or Premises, or such Part thereof as shall be exclusively appropriated to public Religious Worship, and which (other than Churches, District Churches, and Episcopal Chapels of the Established Church) shall be duly certified for the Performance of such Religious Worship according to the Provision of any Act or Acts now in force: Provided always, that no Person or Persons shall be hereby exempted from any such Rates or Cesses for or in respect of any Parts of such Churches, District Churches, Chapels, Meeting Houses, or other Premises which are not so exclusively appropriated, and from which Parts not so exclusively appropriated such Person or Persons shall receive any Rent or Rents, or shall derive Profit or Advantage.

No Persons liable to be rated for Places exclusively appropriated to public Religious Worship.

Proviso respecting Places not so exclusively appropriated.

II. Provided always, and be it enacted, That no Person or Persons shall be liable to any such Rates or Cesses because the said Churches, District Churches, Chapels, Meeting Houses, or other Premises, or any Vestry Rooms belonging thereto, or any Part thereof, may be used for *Sunday* or Infant Schools, or for the charitable Education of the Poor.

Persons not liable to Rates because Part of Premises may be used for Schools.

CAP. XXXI.

An Act to enable the Election of Officers of Corporations and other Public Companies now required to be held on the Lord's Day to be held on the *Saturday* next preceding, or on the *Monday* next ensuing.

[24th July 1833.]

WHEREAS the Profanation of the Lord's Day is greatly increased by reason of certain Meetings which are usually or occasionally held thereon: And whereas it is the Duty of the

Elections of Officers of Corporations and other public Companies now required to be held on a Sunday shall be held on the Saturday preceding or the Monday following.

If Election does not take place on the Saturday the Person holding the Office to continue so to do until the Monday.

Elections not made on such Saturday or Monday shall be taken to be within the Provisions of 11 Geo. 1. c. 4.

‘Legislature to remove as much as possible Impediments to the due Observance of the Lord’s Day;’ be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Meeting or adjourned Meeting of any Vestry or Corporation, whether Ecclesiastical or Civil, or of any public Company, for the Nomination, Election, Appointment, swearing in, or Admission of any Officer or Officers, or for the Transaction of any other secular Affair of such Vestry, Corporation, or Company, and every other Meeting of a public and secular Nature, which, according to any Act of Parliament, or according to any Charter, Grant, Constitution, Deed, Testament, Law, Prescription, or Usage whatsoever, is or shall be required to be held on any Lord’s Day, or on any Day which shall happen to be on a Lord’s Day, shall be held on the *Saturday* next preceding or on the *Monday* next ensuing, at the like Hour, with like Form and Effect, as if the same had been held on such Lord’s Day; and every Matter transacted at any such Meeting or adjourned Meeting held upon any Lord’s Day shall be absolutely void and of none effect, to all Intents and Purposes whatsoever: Provided always, that when no such Nomination, Election, Appointment, swearing in, or Admission shall have taken place on such *Saturday*, every Person whose Term of Office would, according to any such Act, Charter, Grant, Constitution, Deed, Testament, Law, Prescription, or Usage, have expired on any such Lord’s Day, shall continue in Office, and exercise and enjoy all the Powers and Privileges annexed or relating to such Office, until and on such *Monday* next ensuing, in the same Manner as if such *Monday* had been the customary Day of Nomination, Election, Appointment, swearing in, or Admission.

II. And be it further enacted, That whenever the Nomination, Election, Appointment, swearing in, or Admission of any such Officer or Officers as before mentioned shall not take place on such *Saturday* or *Monday*, or shall become void, the Case shall be and is hereby declared to be within the Provisions of an Act made and passed in the Eleventh Year of His late Majesty King George the First, intituled *An Act for preventing the Inconveniences arising for Want of Elections of Mayors or other Chief Magistrates of Boroughs or Corporations being made upon the Days appointed by Charter or Usage for that Purpose, and directing in what Manner such Elections shall be afterwards made*, as fully and effectually as if such Officer or Officers had been expressly named in the said Act.

CAP. XXXII.

An Act to amend the several Acts authorizing Advances for carrying on Public Works. [24th July 1833.]

‘WHEREAS certain Commissioners have been appointed under the Authority of an Act passed in the Fifty-seventh Year of the Reign of His Majesty King George the Third, intituled *An Act to authorize the Issue of Exchequer Bills and the Advance of Money out of the Consolidated Fund to a limited Amount, for the carrying on of Public Works and Fisheries in the United Kingdom, and Employment of the Poor in Great Britain, in* manner

manner therein mentioned: And whereas another Act of Parliament was passed in the same Session of Parliament to amend the said recited Act: And whereas the said recited Acts have been amended, and the Powers thereof extended, by several Acts, passed in the Fifty-eighth Year of the Reign of His Majesty King George the Third, and in the First, Third, Fourth, Fifth, Sixth, Seventh, and Seventh and Eighth Years of His late Majesty King George the Fourth: And whereas the said Commissioners have made various Loans and Advances under or by virtue of Local Acts of Parliament; and Doubts have arisen whether such Loans and Advances can be held and considered to have been made by the said Commissioners under the Powers of the said Act of the Fifty-seventh Year of the Reign of His Majesty King George the Third, and of the said several Acts for amending the same; and it is expedient that such Doubts should be removed; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every Loan or Advance heretofore made, or which shall be made by the said Commissioners under or by virtue of any Local Act or Acts of Parliament, shall be held and considered to have been made by the said Commissioners under the Powers of the said Act of the Fifty-seventh Year of the Reign of His Majesty King George the Third, and the several Acts for amending the same, and shall be subject to the same Powers and Authorities in all respects as if the said Loan or Advance had been made under the Authority of the said last-mentioned Acts.

Loans made under Local Acts subject to the same Powers as Loans made under 57 G. 3. c. 34. &c.

CAP. XXXIII.

An Act to amend Three Acts passed for maintaining and keeping in repair the Military and Parliamentary Roads and Bridges in the Highlands of *Scotland*, and to improve certain Lines of Communication in the Counties of *Inverness* and *Ross*. [24th July 1833.]

WHEREAS by an Act passed in the Fifty-ninth Year of the Reign of His late Majesty King George the Third, intituled *An Act to repeal Two Acts made in the Fifty-fourth and Fifty-fifth Years of the Reign of His present Majesty, for maintaining and keeping in repair certain Roads and Bridges in Scotland, to provide more effectually for that Purpose, and for Regulation of Ferries in Scotland*, the Sum of Five thousand Pounds was directed to be annually issued by the Barons of Exchequer in *Scotland*, for the Purpose of maintaining in repair the Roads and Bridges under the Care of the Commissioners acting in the Execution of the said recited Act; and, in addition thereto, certain Assessments were directed to be made for the same Purpose, in the Manner and under the Limitations therein prescribed, in the Counties wherein any of the said Roads and Bridges were respectively situated: And whereas by an Act passed in the Fourth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for maintaining in repair the Parliamentary and Military Roads and Bridges in the Highlands of Scotland*,

59 G. 3. c. 135.

4 G. 4. c. 56.

5 G. 4. c. 38.

Provision for
Insufficiency of
Tolls.

‘ Scotland, and also certain Ferry Piers and Shipping Quays erected by the Commissioners for Highland Roads and Bridges, the said Commissioners were authorized and empowered, under the Provisions therein contained, to erect Toll Gates on the Roads under their Care, and to levy Tolls to be applied towards the Maintenance of the said Roads, in aid of or in lieu of the said Parliamentary Allowance and County Assessment: And whereas by an Act passed in the Fifth Year of the Reign of His said late Majesty King George the Fourth, intituled *An Act to amend Two Acts for maintaining and keeping in repair the Military and Parliamentary Roads in the Highlands of Scotland*, further Provision was made for the Execution of the said recited Acts; but Doubts have arisen in the Interpretation thereof, in Cases where Tolls have been imposed upon Roads for the Maintenance of which such Tolls have afterwards proved inadequate: And whereas it is expedient that such Doubts should be removed:’ May it therefore please Your Majesty that it may be enacted; and be it enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall and may be lawful for the said Commissioners, in all Cases where the Tolls which have, under the Provisions of the second of the said recited Acts or of this Act, been imposed and levied upon any Road or Bridge under their Care, or which it may hereafter be deemed expedient to impose or levy thereon, shall prove insufficient for the Maintenance and Repair of such Road or Bridge, or rebuilding of such Bridge, to signify such Insufficiency to the Convener of the County wherein the same shall be situated, and to include, in the Account annually transmitted to the said Convener of the Expenditure chargeable to such County under the Provisions of the Act first herein recited, such and the same Proportion of the Amount of the Deficiency of the Expence of maintaining and repairing such Road or Bridge, or rebuilding such Bridge, as would have been chargeable to the said County in respect of the said Road or Bridge in case no Tolls had been imposed and levied thereon; and upon such Notice being given, and such Account being transmitted to the said Convener by the said Commissioners, at least Thirty Days previous to the Twenty-ninth Day of *April* in each Year, the Amount of such Deficiency shall be chargeable upon and shall be borne or levied and be paid by and out of the said Parliamentary Allowance and County Assessment (but subject to the same Limitations under which the said County Assessment is now levied) in the same Manner and Proportion in which the whole Expence of the Maintenance and Repair of such Road or Bridge, or rebuilding such Bridge, would have been chargeable in case no Tolls had been imposed or levied thereon.

Certain District
Roads placed
under the Ma-
nagement of the
Commissioners.

II. ‘ And whereas it will tend greatly to increase the public Utility of certain Roads already made under the Superintendence of the said Commissioners, and to enlarge and facilitate the Communications in the County of *Inverness*, that the District Road herein-after mentioned should be placed under the Direction and Management of the said Commissioners;’ be it enacted, That the Road commonly called the *Doughfour* or *Torvaine* Road, leading from

from the Stone Bridge of the Town of *Inverness* to the North-eastern Extremity of the Parliamentary Road called the *Invermoriston* Road, and passing through the United Parish of *Inverness* and *Bona*, and County of *Inverness*, shall from and after the passing of this Act be transferred from the Charge and Controul of the local Trustees thereof, and shall for all Purposes be deemed and taken to be Part of the Roads under the Care and Superintendence of the said Commissioners, and shall be maintained in repair, widened, or improved by them, either out of the said Parliamentary Allowance and County Assessment, or by means of Tolls to be levied thereon; which Tolls the said Commissioners are hereby empowered to impose and levy in the Manner directed by the said Act second herein-before recited, or partly out of the said Parliamentary Allowance and County Assessment, and partly by means of Tolls, by virtue of the Provisions of this Act, in the same Manner, and with and under the same Powers and Limitations, as are applicable to Roads under their Care, pursuant to the said recited Acts.

III. ' And whereas it is expedient that Power should be granted to the said Commissioners to fix and settle Plans for the Alteration and Improvement of the Lines of the following Roads; namely, ' the Road leading from the Town of *Inverness* to the Confines ' of *Nairnshire*, called the *Fort George* Road, from a Point near ' the East End of the *High Street* of *Inverness* to a Point on ' the said Road East of *Petty Street* of *Inverness*, and from a ' Point near *Castle Stewart* to the Western Extremity of the ' *Nairnshire* Turnpike Coast Road, passing through the Parishes ' of *Inverness*, *Petty*, and *Ardersier*, in the County of *Inverness*; ' as also the said Road called the *Doughfour* or *Torvaine* Road, ' from the Stone Bridge of *Inverness* to a Point near the Canal ' Bridge at *Bught*, passing through the Parish of *Inverness*; as also ' the Road from *Invergordon* to *Tain*, called the *Invergordon* Road, ' from a Point at or near *Knockbrake* to a Point at or within the ' Burgh of *Tain*, passing through the Parish of *Tain*, in the ' County of *Ross*;' be it enacted, That so soon as sufficient Funds for defraying the Expence of making any such altered or new Line of any of the said Roads above described shall be provided to the Satisfaction of the said Commissioners, either by the Contribution of any Individual or Individuals, or Corporation, or by the Assessment of any County or Counties, or by Money which may be borrowed on the Credit of the Tolls on any of the said Roads respectively, the said Commissioners are hereby authorized and required to fix the precise Line or Direction of any of the said Roads, for the Alteration or Improvement whereof sufficient Funds shall be so provided, and to cause a Plan to be lodged with the Clerk of the Peace of the County wherein such Road to be altered and improved shall be situated, showing the precise Line thereof, and the Lands through which the same shall pass, together with a Book of Reference, containing the Names of the Owners and Occupiers of such Lands, and shall also cause a written or printed Notice thereof to be affixed on the Church Door of every Parish through which the same shall pass, to be continued at least Three successive *Sundays* before the Alteration shall begin to be made; and from and after the Time when any such Alteration and Improvement shall be completed the said

New Lines of
Road to be
made.

Com-

Commissioners are hereby authorized and empowered to direct Tolls to be levied on such Road in the same Manner and to the same Extent that Tolls are or may be levied on any Road under the Superintendence of the said Commissioners; and any such Road, when so altered and improved, shall be maintained in repair in the same Manner that the other Roads under the Care of the said Commissioners now are.

IV. ' And whereas by an Act of the Parliament of *Scotland*, made
 ' in the Second Parliament of King *Charles* the Second, intituled
 1668, c. 16. ' *An Act for repairing Highways and Bridges*, and also by an Act
 ' passed in the Eleventh Year of the Reign of His Majesty King
 11 G. 3. c. 53. ' *George* the Third, intituled *An Act for widening the Highways*
 ' in that Part of Great Britain called *Scotland*, it is provided that
 ' Highways shall be Twenty Feet of Measure broad at the least ;'
 Power to widen Roads. be it enacted, That the said Commissioners shall have Power and
 they are hereby authorized to direct all or any of the said Roads,
 or any Road under their Management, to be widened and extended
 so that the same shall be in all Places Twenty Feet in Width of
 clear passable Road, exclusive of the Bank, Ditch, and Fence on
 either Side thereof; and the said Commissioners shall not be
 liable to pay for any Ground necessary to make any Road of
 such legal Breadth, reserving all Claims of Damages to the Pro-
 prietor for any Fence or Fences which may be altered or removed
 by widening any such Road; and the said Commissioners shall have
 further Power, and are hereby authorized, if they shall see fit, near
 any Town or Village, to extend any Turnpike Road to any Width
 not exceeding Forty Feet of clear passable Road, exclusive of the
 Bank, Ditch, and Fence on either Side thereof, on making Satis-
 faction in the Manner directed by an Act passed in the Forty-third
 Year of the Reign of His Majesty King *George* the Third,
 43 G. 3. c. 80. intituled *An Act for granting to His Majesty the Sum of Twenty*
thousand Pounds, to be issued and applied towards making Roads
and building Bridges in the Highlands of Scotland, and for enabling
the Proprietors of Land in Scotland to charge their Estates with a
Proportion of the Expence of making and keeping in repair Roads
and Bridges in the Highlands, to the Proprietors and Occupiers
of any Ground, Buildings, or Fences taken or removed for the
Purpose of such widening, over and above the Width of Twenty
Feet as aforesaid.

V. And be it enacted, That it shall be lawful for the said Com-
 Footpaths near Towns or Villages. missioners to direct to be made and kept in repair Footpaths in
 or near to any Town or Village where the same can be done by
 means of the Tolls levied thereat or near thereto.

VI. And be it further enacted, That it shall be lawful for the
 Power to advance Funds on Credit of the Tolls. said Commissioners to advance out of the Funds at their Disposal
 such Sums as shall appear to them requisite for the necessary
 Alteration and Improvement of any of the Roads and Bridges
 under their Superintendence upon which Tolls are at present or
 shall hereafter be levied under the Provisions of the Second Act
 above recited, and which are wholly maintained in repair by means
 of such Tolls, and to repay themselves such Advances out of the
 surplus Proceeds of such Tolls which shall remain after providing
 for the Expences of Repair of the Road or Bridge whereon the
 same shall be respectively levied.

VII. And be it further enacted, That if it shall appear to the said Commissioners to be expedient for the Public Service, it shall be lawful for them, with the Consent of the Heritors and Commissioners of Supply of the County within which any such District Road or Bridge as herein-after mentioned shall be situate, notified at some annual Meeting for the Assessment of the Land Tax, or at some special Adjournment of such Meeting, to assume to themselves the Care and Superintendence of any Road adjoining to or connected with any Road or Bridge already under their Superintendence, such Road having been previously sufficiently made and repaired to the Satisfaction of the said Commissioners, and every such Road shall thenceforth and thereafter be deemed and taken to be Part of the Roads and Bridges under the Care and Superintendence of the said Commissioners, and shall be maintained in repair by them in the same Manner as the Parliamentary and Military Roads and Bridges under their Care; and it shall and may be lawful for the said Commissioners to exercise all such Powers and Authorities, for and in respect of any such Road, which they are authorized and empowered to exercise with respect to any Road already under their Management: Provided always, that regard shall be had to the Limitation of the Amount of the Money applicable to the County wherein any such Road shall be situated.

General Power
of placing
Roads under
the Manage-
ment of the
Commissioners.

VIII. ' And whereas Doubts have sometimes arisen in defining ' the Limits of Roads under the Care of the said Commissioners, ' which ought for the Purposes of Repair to be considered as forming One Line;' be it enacted, That in such Cases it shall be lawful for the said Commissioners, from Time to Time, to apportion and define the Limits of the several Roads under their Care, which are to be respectively deemed and taken to be and form separate and distinct Lines of Road for the Purposes of Repair, and to be entitled to the Benefit of the Tolls levied within such Limits; and any Order defining such Limits, and directing the Application of such Tolls, or of the Assessment levied in respect of the Road so defined, upon or for the Benefit of such Road, after being transmitted to the Clerk of the Peace of the County or Counties to which the same may relate, shall be observed until the same shall be altered by the said Commissioners.

Power to define
Limits of particular Lines.

IX. ' And whereas it is desirable that the several Ferry Piers ' and Shipping Quays erected by the said Commissioners should ' be maintained in repair, but it has in some Cases appeared ' inexpedient to the said Commissioners to enforce the Provisions ' made for that Purpose by the said Act second above recited, by ' levying Tolls or Dues thereon; ' be it therefore enacted, That it shall be lawful for the said Commissioners, in case they shall deem it expedient, with the Consent of the Heritors and Commissioners of Supply of the County within which such Ferry, Pier, or Shipping Quay as herein-after mentioned shall be situate, notified at some Annual Meeting for the Assessment of the Land Tax, or some special Adjournment of such Meeting, to assume the Care of maintaining in repair, altering, or improving any of the said Ferry Piers and Shipping Quays situated in the Counties of *Inverness*, *Ross*, *Sutherland*, and *Argyle*, and the same shall thenceforth be maintained in repair by them in the same Manner, and with

Provision as to
Ferry Piers and
Shipping
Quays.

with and under the same Powers and Limitations, as the Parliamentary and Military Roads and Bridges whereon no Tolls are levied.

Protection of
Bridges.

X. ‘ And whereas Damage has been done to Bridges erected by
 ‘ or which have been put under the Care and Superintendence of
 ‘ the said Commissioners, by the floating of Timber in Rivers over
 ‘ which such Bridges have been erected, through the Stoppage or
 ‘ Accumulation of such Timber at or above such Bridges, whereby
 ‘ the same are not only injured and endangered, but in some In-
 ‘ stances have been actually carried away;’ be it therefore enacted,
 That if any Timber, Trees, Logs, Deals, or Spars shall at any
 Time from and after the passing of this Act be floated or directed
 to be floated by any Person or Persons in any River whereon any
 Bridge shall have been erected by or shall be under the Care and
 Superintendence of the said Commissioners, the Owner or Owners
 of such Timber, Trees, Logs, Deals, or Spars, and every Person
 who shall have directed or shall be employed in floating the same
 in any such River, are hereby enjoined and required to station a
 sufficient Number of Persons at every such Bridge while such
 Timber, Trees, Logs, Deals, or Spars shall be floating in any such
 River, for the Purpose of preventing the same from stopping or
 being accumulated at or above any such Bridge, and for the Purpose
 of directing the Passage of the same under the Arch or Arches, or
 between the Piers of any such Bridge, so as not to injure the same;
 and if any Timber, Trees, Logs, Deals, or Spars shall at any Time
 be floated in any such River without Persons being so stationed as
 aforesaid, or if any such Timber, Trees, Logs, Deals, or Spars shall
 be suffered to stop or to accumulate at or above any such Bridge,
 or if any such Bridge shall sustain any Damage through the floating
 of such Timber, Trees, Logs, Deals, or Spars, the Owner or
 Owners thereof, and every Person or Persons who shall have
 directed or shall have been employed in floating the same, shall be
 liable in a Penalty of not less than Forty Shillings and not exceeding
 Five Pounds for each Offence, to be recovered for the Use of any
 Person suing for the same before the Sheriff or any One or more
 of His Majesty’s Justices of the Peace of the County where the
 Offender or Offenders shall be found or shall reside, and shall also
 forfeit all such Timber, Trees, Logs, Deals, or Spars which shall
 be found stopped or accumulated at or above such Bridge, to the
 Use of the Person or Persons by whom the same shall be seized
 and removed from, at, or above any such Bridge, upon proving the
 same before the said Sheriff or any One or more of His Majesty’s
 Justices of the Peace of the County where such Timber, Trees,
 Logs, Deals, or Spars shall be so seized and removed; and if any
 Person or Persons shall hinder, obstruct, or prevent any Person or
 Persons from seizing or removing any such Timber, Trees, Logs,
 Deals, or Spars, every such Person, being lawfully convicted thereof
 before the said Sheriff or One or more of His Majesty’s Justices of
 the Peace of the County where the Offender or Offenders shall be
 or reside, shall forfeit a Sum not less than Forty Shillings and
 not exceeding Five Pounds, to the Use of the Person or Persons suing
 for the same; and, moreover, every Owner or Owners of any such
 Timber, Trees, Logs, Deals, or Spars shall be liable in the Amount
 of any and every Damage that may be occasioned to any such
 Bridge

Bridge through the floating or the Stoppage or Accumulation of any such Timber, Trees, Logs, Deals, or Spars thereat, to be recovered by the said Commissioners, either before the Sheriff of the County wherein such Bridge may be situated or before the Court of Session, as they shall think fit; and the full Costs of every such Action shall, in every such Case, be awarded to the said Commissioners.

XI. ' And whereas by the first of the said recited Acts it was enacted, that no Person should thenceforth be permitted to erect any House, Hut, or other Building exceeding Five Feet in Height within Twenty Feet of the Middle of any of the Roads thereby directed to be kept in repair: And whereas by an Act passed in the First and Second Years of the Reign of His present Majesty, intituled *An Act for amending and making more effectual the Laws concerning Turnpike Roads in Scotland*, it was enacted, that no new Inclosures or Plantations should be made within the Distance of Twenty-five Feet from the Centre of any Turnpike Road; be it therefore enacted, That from and after the passing of this Act no new Inclosure or Plantation shall be made within the Distance of Twenty-five Feet from the Centre of any Road under the Care of the said Parliamentary Commissioners, without incurring a Penalty of Five Pounds for every such Offence, to be recovered as any Penalty under any of the said recited Acts may be recovered; and the Sheriff of the County and Justices of the Peace are hereby authorized and empowered, on the Application of the Inspector or any other Person acting in the Employment of the said Commissioners, to order any such Inclosure or Plantation to be pulled down or removed at the Expence of the Person making the same, or of the Owner or Occupier of the Ground whereon it shall be made.

1 & 2 W. 4. c. 43.

No new Inclosure to be made within Twenty-five Feet of the Centre of any of the Roads.

XII. ' And whereas by the said recited Act passed in the First and Second Year of the Reign of His present Majesty, certain Powers, Regulations, and Restrictions, and certain Remedies for enforcing the same, are enacted, which if extended to the several Roads under the Charge of the said Commissioners upon which Tolls are levied would be highly beneficial, and would render the Laws for the Regulation of Public Roads in Scotland more uniform; be it enacted, That so much of the said recited Act as relates to the Conduct of the Tacksman of Tolls and Toll Keepers employed in collecting Tolls, and to the making of Encroachments on any Turnpike Road, and to the Regulation of Drivers, and to the Number of Carts which may be taken care of by Drivers, and to the preventing Children from driving Carts, and to the painting on Waggon and Carts of every Description, and other Carriages travelling for Hire, the Names of the Owners thereof, and to the Seizure of transient Offenders, and to the Amount of Penalties by which any of such Matters and Things may be enforced, and to the Recovery of such Penalties, shall be and the same are hereby extended to this Act, and every such Provision in the said recited Act hereby so extended shall receive the same Effect as if every Clause recited in the said recited Act relating to any Matter or Thing above mentioned had been repeated in this Act.

Extension of certain Parts of the General Turnpike Act to this Act.

XIII. And be it further enacted, That the Expence of this Act may and shall be defrayed out of any Money in the Hands of the said

Expence of Act.

said Commissioners appointed by the Three Acts herein first before recited.

Powers of
43 G. 3. c. 80.
for making
Roads, and cer-
tain Powers of
4 G. 4. c. 49.
for erecting
Toll Houses,
extended to
this Act, except
as altered
hereby; to en-
dure for 31
Years.

XIV. And be it enacted, That all the Powers and Authorities granted by the said recited Act passed in the Forty-third Year of the Reign of His Majesty King *George* the Third, for making Roads as therein directed, are hereby granted for making the new Lines of Road and the Alterations and Improvements herein directed, and all the Powers and Authorities granted by the said Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth for the erecting of Turnpike Gates and of Toll Houses are hereby granted for the Purposes of this Act, which, with the said Act passed in the Fourth Year of the Reign of His said late Majesty King *George* the Fourth, save and except in so far as the same is altered by this Act, shall have Continuance for and during the Term of Thirty-one Years from and after the passing hereof, and from thence to the End of the then next Session of Parliament.

Public Act.

XV. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

CAP. XXXIV.

An Act to continue, until the Fifth Day of *April* One thousand eight hundred and thirty-five, Compositions for the Assessed Taxes. [24th July 1833.]

2 & 3 W. 4.
c. 113.

‘ WHEREAS under the Provisions of an Act passed in the last Session of Parliament, intituled *An Act to continue, until the Fifth Day of April One thousand eight hundred and thirty-four, Compositions for the Assessed Taxes, and to grant Relief in certain Cases*, the Duties of Compositions for Assessed Taxes now in force will expire on the Fifth Day of *April* One thousand eight hundred and thirty-four; and it is expedient to continue such Compositions for a further Term of One Year and no longer, to expire on the Fifth Day of *April* One thousand eight hundred and thirty-five;’ be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the several Duties payable under every Contract of Composition for the Duties of Assessed Taxes, and every Contract and Composition respectively now in force, shall be and are hereby respectively continued to His Majesty, to the like annual Amounts now payable, for a further Term of One Year and no longer, computed from the Fifth Day of *April* One thousand eight hundred and thirty-four, and to determine on the Fifth Day of *April* One thousand eight hundred and thirty-five, to all Intents and under the same Rules and Privileges as if such Compositions did not by the Laws now in force expire before the last-mentioned Day; and all the Powers and Provisions of the several Acts passed relating to and for continuing the Duties of Compositions and Contracts for collecting the same half-yearly, and for enforcing Payment thereof, shall be extended and applied to the Compositions and Contracts continued under this Act, to all Intents as if the same had been repeated and re-enacted in this Act.

Compositions
extended for a
further Term of
One Year, end-
ing 5th April
1835;

II. Provided always, and be it further enacted, That this Act shall not extend to any Person who shall be desirous of determining his or her Composition on the Fifth Day of *April* One thousand eight hundred and thirty-four, and who shall on or before the Tenth Day of *October* One thousand eight hundred and thirty-three give Notice thereof in Writing to the Assessor or Collector of the Parish or Place, or to the Surveyor acting in the Execution of the Acts relating to the Duties of Assessed Taxes for the District in which such Composition shall be payable.

except in Cases where Parties shall give Notice to determine the same on the 5th of April 1834.

III. And be it further enacted, That this Act may be amended, altered, or repealed by any Act or Acts to be passed in this present Session of Parliament.

Act may be altered.

CAP. XXXV.

An Act to remedy certain Defects as to the Recovery of Rates and Assessments made by Commissioners and other Persons under divers Inclosure and Drainage Acts after the Execution of the final Awards of the said Commissioners. [24th July 1833.]

WHEREAS divers Acts of Parliament have from Time to Time been passed for the Inclosure, Drainage, and Improvement of divers Lands, Commons, and Waste Grounds, wherein Commissioners are empowered to set out and make private Roads and Drains, Banks, Bridges, Sluices, and other Works: And whereas it hath been discovered, since the passing of the said Acts, that there are no Powers therein for the Recovery of the Rates or Assessments from Time to Time after the making of the respective final Awards of the Commissioners acting in execution of the said Acts, under or by virtue of the said Acts or the said Awards, or under or by virtue of Powers, Authorities, or Directions given or contained in the said Acts or Awards, for defraying the Expences of repairing, superintending, or renewing the said Roads, Drains, Banks, Bridges, Sluices, and other Works, whereby great Inconvenience and Losses have been sustained for want of such Powers: And whereas it is expedient that a summary Mode of proceeding should be granted for the Purpose of recovering and enforcing the Payment of such Rates or Assessments; for Remedy whereof, may it please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in all Cases where no such Remedy shall have been given, and where any such Rate or Assessment, Rates or Assessments, already made or hereafter to be made, or any Part thereof, and whether made at One Time or at several Times, shall have been or shall be in arrear and unpaid for the Space of Twenty-one Days after a Notice in Writing requiring Payment thereof shall have been personally served on or left at the Place of Abode of the Person or Persons, or One of the Persons, by whom the said Rate or Assessment, Rates or Assessments, ought to be paid, or at the Place of Abode of the Tenant or Occupier of the Lands or Grounds in respect of which the said Rate or Assessment, Rates or Assessments, is or are made, it shall and may be lawful for any Two or more of His Majesty's Justices

Mode of proceeding for Recovery of Rates or Assessments in arrear where no Remedy hath been already given,

of the Peace acting for any County, Riding, or Division, in Petty Sessions assembled, (not interested in the Matter in question,) and who are hereby required, upon Complaint made to them by the Person or Persons, or any One of the Persons, to whom for the Time being the said Rate or Assessment or Rates or Assessments ought to be paid, or by the Person or Persons, or any One of the Persons, who for the Time being shall be duly appointed to make or collect such Rate or Assessment or Rates or Assessments, to summon the Person or Persons from whom any Rate or Assessment, Rates or Assessments, shall be due, and the Witnesses on both Sides, and upon the Appearance or Contempt of the Party or Parties accused, or any of them, to examine such Party or Parties and Witness or Witnesses as may be then present upon Oath (which Oath such Justices are hereby authorized and empowered to administer), and to give Judgment accordingly upon the Matters and Things brought before them, and by Warrant or Warrants under the Hands and Seals of such Justices to levy the Amount of all and every such Rate or Assessment, Rates or Assessments, so in arrear and unpaid, by Distress and Sale of the Goods and Chattels of the Person or Persons so making default in Payment of such Rate or Assessment, Rates or Assessments, wheresoever the same can or may be found, or of the Occupier or Occupiers of any Lands or Grounds belonging to such Person or Persons in respect of which such Rate or Assessment, Rates or Assessments, is or are made, which may be found on such Lands or Grounds, together with the reasonable Costs and Charges of such Proceeding, rendering the Overplus arising by such Sale (if any), after deducting the Sum, or Sums to be levied by such Distress and Sale, and the Charges of taking, keeping, appraising, and selling the said Distress, to the Owner thereof (on Demand); and the respective Tenants of all the Lands on which such Distress shall be taken are hereby authorized and required to pay any Sum of Money for which such Distress shall be made, and to deduct the same out of his, her, or their Rent; and every Tenant making such Payment shall be acquitted, exonerated, and discharged for so much Money as shall be by him or her so paid: Provided always, that no such Levy by Distress and Sale shall be made in respect of any such Rate or Assessment when more than Six Years shall have elapsed from the Time when such Rate or Assessment first became due, unless a Promise in Writing to pay the said Rate or Assessment shall have been given by the Person or Persons liable to the Payment thereof to some Person duly authorized to receive the same; and when such Promise has been given no such Levy by Distress or Sale shall take place when more than Six Years shall have elapsed from the Time that such Promise was given: Provided also, that no such Levy by Distress and Sale shall in any Case exceed the Amount of the Rent due.

Limiting the Recovery to Six Years from Period of Rate becoming due.

Form of Warrant of Distress.

II. And be it further enacted, That the Justices by whom any such Warrant of Distress shall be issued may cause such Warrant to be drawn up in the following Form of Words, or in any other Form to the same Effect; (that is to say,)

‘ To the Constable of the _____ in the County of _____
 ‘ } WHEREAS in and by a certain Rate or Assessment,
 ‘ to wit. } dated the _____ and made for [here in
 ‘ Substance describe the Purposes of the Rate] A.B. of _____

‘ in

' in the Parish of in the County of was duly
 ' rated and assessed in the Sum of [*if more than One*
 ' *Rate or Assessment, recite the others in the same Manner*]: And
 ' whereas it appeareth unto us, Two (or more) of His Majesty's
 ' Justices of the Peace for the said (County, Riding, or Division,
 ' *as the Case may be*), upon the Complaint of C.D. of
 ' the Person to whom the said Rate or Assessment ought to be
 ' paid, (*or otherwise, as the Case may be*), that a Notice in Writing,
 ' requiring Payment of the said Sum (*or said several Sums*), was
 ' personally served on the said A. B., (*or left at the Place of Abode*
 ' of the said A. B., *or of the Tenant or Occupier of the Lands or*
 ' Grounds,) to wit, on the Day of last,
 ' and that Default has been made in Payment thereof for the Space
 ' of Twenty-one Days next after such Notice so served (*or left*),
 ' and that the same Sum (*or several Sums, or a certain Part of*
 ' such Sum or Sums, *as the Case may be*,) is (*or are*) still due and
 ' unpaid: And whereas it having been duly proved to us, upon
 ' Oath, that the said A. B. hath been duly summoned to appear
 ' before us, the said Justices, to show Cause why the said Rate or
 ' Assessment (Rates or Assessments) should not be paid; and he
 ' the said A. B. having appeared before us (*or and he the said A. B.*
 ' having neglected to appear accordingly before us, *as the Case*
 ' *may be*), according to such Summons, and not having shown to
 ' us any sufficient Cause why the said Sum so as aforesaid due and
 ' unpaid should not be paid: These are therefore to require you
 ' forthwith to make Distress of the Goods and Chattels of him the
 ' said A. B. wheresoever they may be found, or of the Occupier or
 ' Occupiers of the Lands or Grounds or some Part thereof be-
 ' longing to the said A. B. in respect of which the said Rate or
 ' Assessment (Rates or Assessments) is (*or are*) made, which may
 ' be found in and upon such Lands or Grounds; and if within the
 ' Space of Five Days next after such Distress by you taken the
 ' Sum of and also the further Sum of
 ' being the Costs already incurred in the Premises, making together
 ' the Sum of together with the reasonable Charges
 ' of taking and keeping the said Distress, shall not be paid, that
 ' then you do sell the said Goods and Chattels so by you distrained,
 ' and out of the Money arising by such Sale that you detain the
 ' said Sum of and also your reasonable Charges of
 ' taking, keeping, appraising, and selling the said Distress, ren-
 ' dering to him the said A. B. the Overplus, on Demand. Given
 ' under our Hands and Seals this Day of
 ' One thousand eight hundred and thirty

III. And be it further enacted, That if any Person or Persons Appeal.
 shall think himself, herself, or themselves aggrieved by any thing
 done in pursuance of this Act, then and in every such Case he, she,
 or they may appeal to the next Court of General Quarter Sessions
 of the Peace which shall be holden not less than Ten Days after
 the Cause of such Complaint for the County, Riding, Division, or
 Place wherein the Cause of Complaint shall have arisen; provided
 that such Person shall give to the Complainant a Notice in Writing
 of such Appeal, and of the Cause and Matter thereof, within
 Eight Days after such Cause of Complaint, and Six clear Days at
 the least before such Sessions, and shall also enter into a Recogni-
 zance within such Six Days, with sufficient Surety, before a Justice

of the Peace for the same County, Riding, Division, or Place, conditioned to appear at the said Sessions, and to try such Appeal, and to abide the Judgment of the Court thereupon, and to pay such Costs as shall be awarded by the Court; and the Court at such Sessions shall hear and determine the Matter of such Appeal, and shall make such Order therein, with or without Costs to either Party, as to the Court shall seem meet.

Warrant not to be quashed for Want of Form.

Rated Persons not to be disqualified from giving Evidence.

IV. And be it further enacted, That no such Warrant of Distress or Adjudication made on Appeal therefrom shall be quashed for Want of Form.

V. Provided always, and be it further enacted, That at the hearing of the said Complaint and Appeal, or either of them, no Person shall be an incompetent Witness by reason of his or her being rated or liable to be rated to the said Rate or Assessment, Rates or Assessments.

CAP. XXXVI.

An Act to diminish the Inconvenience and Expence of Commissions in the Nature of Writs De lunatico inquirendo; and to provide for the better Care and Treatment of Idiots, Lunatics, and Persons of unsound Mind, found such by Inquisition. [24th July 1833.]

‘ WHEREAS great Inconvenience and Expence have been experienced from the Practice of directing or addressing Commissions in the Nature of Writs De lunatico inquirendo to Three or more Persons therein named as Commissioners: And whereas Doubts have arisen whether such Commissions can be directed or addressed to One such Commissioner only:’ Be it therefore enacted and declared by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the Lord Chancellor, or the Lord Keeper or Commissioners of the Great Seal of *Great Britain*, or other the Person or Persons for the Time being intrusted by virtue of the King’s Sign Manual with the Care and Commitment of the Custody of the Persons and Estates of Persons found idiot, lunatic, or of unsound Mind, (in case he or they shall deem it advisable,) to cause any Commission in the Nature of a Writ De lunatico inquirendo to be directed or addressed to any One or more Person or Persons, who shall make Inquisition thereon, and return the same into the High Court of Chancery, and who for that Purpose shall have the same Power to issue Precepts to the Sheriff to summon a Jury, and to compel the Attendance of Witnesses, and the Production or Attendance of the alleged Lunatic, Idiot, or Person of unsound Mind, and all other the Powers hitherto possessed by the Three or more Commissioners in such Commissions named; and such Inquisition shall be good and valid to all Intents and Purposes as if the said Commission in the Nature of a Writ De lunatico inquirendo had been directed or addressed to, and the said Inquisition returned by, Three or more Commissioners, as heretofore.

The Lord Chancellor or Lord Keeper may cause Commissions in the Nature of Writs De lunatico inquirendo to be addressed to any One or more Persons, who shall have sufficient Power to make Inquisition therein.

The Lord Chancellor may
: Visitors

II. ‘ And whereas it is expedient, for the better Care and Treatment of Idiots, Lunatics, and Persons of unsound Mind, found such

'such by Inquisition, that proper and fit Persons should be appointed to superintend, and from Time to Time report to the Lord Chancellor, or other the Person or Persons intrusted as aforesaid, the Care and Treatment and State of every such Idiot, Lunatic, and Person of unsound Mind;' be it further enacted, That it shall and may be lawful for the Lord Chancellor, or other the Person or Persons intrusted as aforesaid, by an Instrument under his Hand and Seal or their Hands and Seals, to appoint Three Persons, Two of whom shall be Physicians, and One a Barrister of not less than Five Years standing, to be Visitors, during Pleasure, for superintending, inspecting, and reporting upon, under the Order and Direction of the Lord Chancellor or other the Person or Persons intrusted as aforesaid, the Care and Treatment of all Persons found idiot, lunatic, or of unsound Mind, by Inquisition, and to make all such Orders and Regulations as to the Duties of such Visitors as the Lord Chancellor, or other the Person or Persons intrusted as aforesaid, shall from Time to Time think fit, and to allow such Visitors such Salaries, not to exceed Five hundred Pounds *per Annum* to each of the Medical Visitors, and Three hundred Pounds *per Annum* to the other Visitor, for their Trouble, and also such Allowances for travelling Expences, as such Lord Chancellor, or other the Person or Persons intrusted as aforesaid, shall think reasonable.

to superintend, and report to him upon the Care and Treatment of Idiots, &c.

III. And be it further enacted, That each of such Persons so found idiot, lunatic, or of unsound Mind as aforesaid shall be visited at the least once in each Year by One of such Medical Visitors, and oftener if the same shall be deemed expedient by the Lord Chancellor, or other the Person or Persons intrusted as aforesaid.

Persons found idiot, &c. to be visited at least once in each Year.

IV. And be it further enacted, That within a fit and convenient Time after each such Visitation such Visitors shall respectively make a Report in Writing to the Lord Chancellor, or other the Person or Persons intrusted as aforesaid, of the State of Mind and bodily Health, and of the general Condition, and also of the Care and Treatment of each such Person so found idiot, lunatic, or of unsound Mind who shall have been visited by him as aforesaid; which said Reports shall be duly filed and kept secret in the Office of such Visitors, and shall be open to the Inspection of no Person whatsoever, save and except the said Visitors, their Secretary, and the Lord Chancellor, or other the Person or Persons intrusted as aforesaid, or such other Person or Persons as the Lord Chancellor, or other Person as Persons intrusted as aforesaid, shall specially appoint: Provided always, that all such Reports, so far as the same relate to any particular Patient, shall be cancelled and destroyed on the Decease of each such Patient, and shall also be cancelled and destroyed on the Supersedeas of his or her Commission, unless the Lord Chancellor, or other the Person or Persons intrusted as aforesaid, shall deem it fit and expedient that the same shall not be cancelled or destroyed until his or her Death.

Visitors to report to the Lord Chancellor, &c. on Care and Treatment of Idiots, &c.

V. And be it further enacted, That as often as any of the Visitors to be appointed as aforesaid shall die or be removed, or refuse to act, or become unable, by Illness or otherwise, to act, it shall and may be lawful for the Lord Chancellor, or other the Person or Persons intrusted as aforesaid, by an Instrument under his Hand

In case of Death, &c. of Visitors, the Lord Chancellor may appoint others.

and

and Seal or their Hands and Seals, to appoint a Visitor in the Room of every Visitor who shall die or be removed, or refuse or become unable to act.

Persons interested in Houses licensed for the Reception of insane Persons not to act as Visitors.

VI. And be it further enacted, That no Person shall be appointed Visitor as aforesaid who shall be, or shall have been within the Two Years then next preceding, directly or indirectly interested in the keeping any House licensed for the Reception of insane Persons; and if any Person shall after his Appointment become so interested, and continue to act as such Visitor, his Appointment as Visitor shall thenceforth become null and void, and it shall not be lawful for him to act as such Visitor.

A Secretary to such Visitors may be appointed.

VII. And be it further enacted, That the Lord Chancellor, or other the Person or Persons intrusted as aforesaid, is and are hereby empowered, by an Instrument under his Hand and Seal or their Hands and Seals, to appoint, during Pleasure, a fit Person to be Secretary to such Visitors, and for the Purposes of this Act, and to allow such Person such Salary for his Trouble, not exceeding Three hundred Pounds *per Annum*, and also to allow such further Sum or Sums of Money, not exceeding Three hundred Pounds *per Annum*, for providing and maintaining suitable Offices for the said Visitors and Secretary, and for the general Expences of carrying into execution the Purposes of this Act, as such Lord Chancellor, or other the Person or Persons intrusted as aforesaid, shall think reasonable.

A Fund for Payment of Salaries and Expences to be raised by a Percentage on the Income of the Idiots, &c.

VIII. And be it further enacted, That in order to raise a Fund for the Payment of the said Salaries and Expences, and for the other incidental Expences of this Act, it shall be lawful for the Lord Chancellor, or other the Person or Persons intrusted as aforesaid, to raise such Fund by a Per-centage on the clear annual Incomes of the Persons found Idiots, Lunatics, or of unsound Mind by Inquisition as aforesaid, such Per-centage not to exceed One and a Half Pounds *per Cent.* on such clear annual Incomes, and to order the same, by general Order, to be paid by the Committees or Receivers or other the Person or Persons for the Time being in receipt of the Income of the respective Estates of the said Idiots, Lunatics, and Persons of unsound Mind, into the Bank of *England*, in the Name and with the Privy of the Accountant General of the Court of Chancery, to an Account to be opened and entitled "The Account of the Board of Visitors for the better Care and Treatment of Lunatics."

Committees, &c. to pay such Per-centage into the Bank, upon receiving Notice.

IX. And be it further enacted, That the said Committees and Receivers or other the Person or Persons aforesaid shall respectively pay out of the Funds in their Hands the said Per-centage so ordered to be paid as aforesaid on the Sums certified by the Masters of the Court of Chancery to be the Amounts of the clear annual Incomes as herein after mentioned, into the Bank of *England*, in the Name of the Accountant General, to the said Account so to be opened and entitled as aforesaid, within One Calendar Month after receiving a Notice in Writing from the said Secretary to the said Visitors, setting forth the Amount of the Sums so certified as the Sums to be paid by such Committees and Receivers or other Person or Persons as aforesaid, and shall be allowed the same in passing their Accounts.

Masters of the Court of Chancery to certify

X. And for the better estimating the Amounts of the said clear annual Incomes, and collecting the said Per-centage thereon; be it further

further enacted, That the Masters of the said Court of Chancery shall, within Two Calendar Months from the passing of this Act, in all Matters of Lunacy referred to them, wherein a Committee or Committees shall have been then appointed, and within Two Calendar Months after the Appointment of Committees, or within Twelve Calendar Months after the Date of the Inquisition in all other Cases, respectively ascertain and certify to the Lord Chancellor, or other the Person or Persons intrusted as aforesaid, the respective Amounts of the clear annual Incomes of the Persons so found Idiots, Lunatics, or of unsound Mind as aforesaid; and in case any Alteration shall afterwards take place, the said several Masters shall respectively certify the same to the Lord Chancellor, or other the Person or Persons intrusted as aforesaid, within Two Calendar Months after such Alteration shall have been made known to them; and for the Purpose of enabling the said Masters to ascertain and certify the Amounts of such clear annual Incomes, it shall and may be lawful for the said Masters to summon the Committees and Receivers or other the Person or Persons for the Time being in receipt of the Income of the respective Estates of the said Idiots, Lunatics, and Persons of unsound Mind, to attend them to give them all the Information in their Power, and also to produce all Books, Papers, Accounts, and Documents in their Possession or Power relating to the Incomes or Estates of such Idiots, Lunatics, and Persons of unsound Mind.

the Amount of
Income of
Idiots, &c.

XI. And be it further enacted, That no Sum of Money required for the Purposes of this Act shall be paid by the said Accountant General out of the said Fund so paid into the Bank of England as aforesaid, except upon Checks or Drafts payable to the Bearer, and signed by the Lord Chancellor, or other Person or Persons intrusted as aforesaid; and that no Fee shall be charged or taken upon, for, or in respect of such Payments or any of them.

Payments out
of the Fund to
be by Checks
signed by the
Lord Chan-
cellor.

XII. And be it further enacted, That the Account of Monies received and paid under and by virtue of this Act shall once in every Year be made out by the said Secretary, and audited and signed by such One of the said Masters of the said Court of Chancery as the Lord Chancellor, or other the Person or Persons intrusted as aforesaid, shall appoint for that Purpose, and shall afterwards be filed in the Office of the Secretary of Lunatics; and that no Fee shall be charged or taken upon, for, or in respect of such Account being so audited or filed.

Accounts to be
audited yearly,
and filed.

CAP. XXXVII.

An Act to alter and amend the Laws relating to the Temporalities of the Church in Ireland.

[14th August 1833.]

‘ WHEREAS it is expedient to make Provision for the Abolition of First Fruits in Ireland, and the Substitution of an annual Tax in lieu thereof; and it is also expedient that compulsory Assessments by Vestries should be abolished in certain Cases: And whereas the Number of Bishops in Ireland may be conveniently diminished, and the Revenues of certain of the Bishopricks, as well as the said annual Tax, applied to the building, rebuilding, and repairing of Churches and other such

see 14th Aug 1833
d.f. 344 P.C. 201
847 P.C. 57

‘ like

Acts or Parts of
Acts repealed;
viz.

28 H. 8. c. 8.

28 H. 8. c. 14.

2 Eliz. c. 3.

2 G. 1. c. 15.

8 G. 1. c. 12. a. 6.

10 G. 1. c. 7.

29 G. 2. c. 18.

29 G. 3. c. 36.

‘ like Ecclesiastical Purposes, and to the Augmentation of small
‘ Livings, and to such other Purposes as may conduce to the
‘ Advancement of Religion, and the Efficiency, Permanence, and
‘ Stability of the United Church of *England* and *Ireland*: And
‘ whereas the Tenure by which Church Lands are held in *Ireland*
‘ is inconvenient, and it is expedient to alter the same in such
‘ Manner as may tend to the Ease and Security of the Church, and
‘ the Advantage of the Persons holding thereunder:’ be it therefore
enacted by the King’s most Excellent Majesty, by and with the
Advice and Consent of the Lords Spiritual and Temporal, and
Commons, in this present Parliament assembled, and by the Autho-
rity of the same, That from and after the Commencement of this
Act the several Acts or Parts of Acts hereafter mentioned shall be
repealed; (that is to say,) an Act made in the Parliament of *Ireland*
in the Twenty-eighth Year of the Reign of King *Henry* the Eighth,
intituled *An Act for First Fruits*; an Act made in the Parliament
of *Ireland* in the Twenty-eighth Year of the Reign of King *Henry*
the Eighth, intituled *An Act for the Twentieth Part*; so much of
an Act made in the Parliament of *Ireland* in the Second Year of
the Reign of Queen *Elizabeth*, intituled *An Act for the Restitution*
of the First Fruits and Twentieth Part, and Rents reserved nomine
Ten or Twenty, and of Parsonages Improprate, to the Imperial
Crown of this Realm, as relates to or concerns First Fruits and
Twentieth Parts, or the Payment thereof; an Act made in the
Parliament of *Ireland* in the Second Year of the Reign of King
George the First, intituled *An Act for confirming the several Grants*
made by Her late Majesty of the First Fruits and Twentieth Parts
payable out of the Ecclesiastical Benefices in this Kingdom, and also
for giving the Archbishops, Bishops, and other Ecclesiastical Persons
some Years Time for the Payment of First Fruits; so much of an
Act made in the Parliament of *Ireland* in the Eighth Year of the
Reign of King *George* the First, intituled *An Act for the better*
enabling of the Clergy having Cure of Souls to reside upon their
respective Benefices, and for the Encouragement of Protestant Schools
within this Kingdom of Ireland, as relates to or concerns the Pay-
ment of any Sum of Money by the Trustees of First Fruits therein
mentioned; an Act made in the Parliament of *Ireland* in the Tenth
Year of the Reign of King *George* the First, intituled *An Act for*
amending an Act, intituled ‘ An Act for confirming the several Grants
‘ made by Her late Majesty out of the First Fruits and Twentieth
‘ Parts payable out of the Ecclesiastical Benefices in this Kingdom,
‘ and also for giving the Archbishops and other Ecclesiastical Persons
‘ Four Years Time for the Payment of First Fruits,’ and for incor-
porating the Trustees and Commissioners of the said First Fruits; an
Act made in the Parliament of *Ireland* in the Twenty-ninth Year of
the Reign of King *George* the Second, intituled *An Act for amending*
and making more effectual the several Laws relating to the First Fruits
payable out of the Ecclesiastical Benefices in this Kingdom, and for
the better Regulation and Management of the Charitable Bequests of
Doctor Hugh Boulter, late Lord Archbishop of Armagh, for aug-
menting the Maintenance of Poor Clergy in this Kingdom; an Act
made in the Parliament of *Ireland* in the Twenty-ninth Year of the
Reign of King *George* the Third, intituled *An Act for the better*
enforcing the Payment of the First Fruits chargeable on the Clergy of
this Kingdom; also an Act made in the Parliament of the United
Kingdom

Kingdom, in the Forty-sixth Year of the Reign of His late Majesty King George the Third, intituled *An Act for amending an Act passed in Ireland in the Twenty-ninth Year of King George the Second, intituled 'An Act for amending and making more effectual the several Laws relating to First Fruits payable out of Ecclesiastical Benefices in this Kingdom, and for the better Regulation and Management of the Charitable Bequest of Doctor Hugh Boulter, late Lord Archbishop of Armagh, for augmenting the Maintenance of Poor Clergy in this Kingdom,' so far only as relates to the said Charitable Bequest*; an Act made in the Parliament of the United Kingdom in the Forty-third Year of the Reign of King George the Third, intituled *An Act to enable the Commissioners of First Fruits in Ireland to lend certain Sums of Money (Interest free) to Incumbents of Benefices there, for the Purpose of enabling them to erect or purchase Glebe Houses and Offices convenient for their Residence, and to purchase Glebe Lands fit and convenient for the Erection of such Houses and Offices; and to make Provision for the Repayment of all Loans so to be made by the said Commissioners*; an Act made in the Parliament of the United Kingdom in the Forty-eighth Year of the Reign of King George the Third, intituled *An Act to make more effectual Provision for the building and rebuilding of Churches, Chapels, and Glebe Houses, and for the Purchase of Glebe Lands, Glebe Houses, and Improvements in Ireland*; an Act made in the Parliament of the United Kingdom in the Forty-ninth Year of the Reign of King George the Third, intituled *An Act to amend an Act made in the last Session of Parliament, for making Provision for the building and rebuilding of Churches, Chapels, and Glebe Houses in Ireland*; so much of an Act made in the Parliament of the United Kingdom in the Fourth Year of the Reign of King George the Fourth, intituled *An Act to amend the Laws for collecting Church Rates and Money advanced by the Trustees and Commissioners of the First Fruits of Ecclesiastical Benefices, and for the Improvement of Church Lands, in Ireland, as relates to the making, applotting, raising, levying, or enforcing any Rate, Assessment, or Cess for or towards the repairing, building, or rebuilding any Churches or Chapels in Ireland, or as relates to any Loans made by the Trustees and Commissioners of the First Fruits of Ecclesiastical Benefices in Ireland, or any Instalments of Sums payable to the said Trustees and Commissioners, or to any Proceeding concerning any of the same; and the said several hereinbefore recited Acts and Parts of Acts are hereby, from and after the Commencement of this Act, repealed accordingly, save and except so far as the said recited Acts or Parts of Acts, or any of them, repeal the Whole or any Part of any other Act or Acts; and also save and except so far as relates to any Acts, Matters, and Things done at any Time before the Commencement of this Act, all which Acts, Matters, and Things shall be and remain good, valid, and effectual, to all Intents and Purposes whatsoever, as if this Act had not passed; and also save and except as to the Recovery and Application of any Penalty for any Offence which shall have been committed previous to the Commencement of this Act; and also save and except as to the Recovery and Application of any Sum and Sums of Money lent or advanced under or by virtue of any of said recited Acts or Parts of Acts, and which may now be*

46 G. 3. c. 60.

43 G. 3. c. 106.

48 G. 3. c. 65.

49 G. 3. c. 103.

and
4 G. 4. c. 86.

except as to the Repeal of former Acts; as to the Recovery of Penalties; or as to the Recovery of Monies now or hereafter due, and to Bonds and Securities for the same.

or

or at any Time after become due, and also save and except so far as relates to all and every the Bonds or other Securities for the Repayment of any such Sum or Sums of Money, all which Penalties, Sums of Money, and Bonds or other Securities, not by this Act otherwise provided for, shall and may be sued for, recovered, and dealt with to all Intents and Purposes as if this Act had not been passed.

Ecclesiastical
Commissioners
to be appointed.

II. And be it further enacted, That the Lord Primate of all *Ireland*, the Lord High Chancellor of *Ireland*, being a Member of the United Church of *England* and *Ireland*, the Lord Archbishop of *Dublin*, the Lord Chief Justice of *Ireland*, being a Member of the United Church of *England* and *Ireland*, all now and hereafter for the Time being, and also such Four of the Archbishops or Bishops of *Ireland* as shall be appointed from Time to Time by His Majesty in Council for the Time being, by Warrant under the Sign Manual, together with Three proper and discreet Persons, being Members of the United Church of *England* and *Ireland*, Two of whom to be appointed from Time to Time by His Majesty in Council by Warrant under the Sign Manual, and the other to be appointed from Time to Time by the said Lord Primate and Lord Archbishop of *Dublin* for the Time being, by Writing under their respective Hands and Seals, shall be One Body Politic and Corporate, by the Name of the "Ecclesiastical Commissioners for *Ireland*," and by that Name have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued, and shall have Power and Authority to take and purchase and hold Lands, Tenements, and Hereditaments to them, their Successors and Assigns, for the Purposes of this Act, the Statutes of Mortmain, or any other Act or Acts, to the contrary hereof notwithstanding: Provided always, that the said Lord Chancellor and Lord Chief Justice, and said Three other Commissioners respectively, and their Successors for ever, do and shall, before acting under said Commission, and at the First Meeting they shall respectively attend, subscribe in the Book of the Minutes of the Proceedings of said Commissioners a Declaration in the Words following:

Commissioners
to subscribe the
following De-
claration.

' I DO hereby solemnly, and in the Presence of God, testify and
' declare, That I am a Member of the United Church of *England*
' and *Ireland*, as by Law established. Witness my Hand this
' Day of

His Majesty in
Council may
remove Com-
missioners and
fill up Vacan-
cies.

III. And be it further enacted, That the said Four Bishops and the said Three other Commissioners shall be at all Times removable by His Majesty in Council by Warrant under the Sign Manual; and that whenever by Death, Resignation, Removal, or otherwise, any such Bishop or Person shall cease to be a Commissioner under this Act, then and in every such Case it shall and may be lawful for His Majesty, by Warrant as aforesaid, to appoint one other Bishop or Person in the Place and Stead of any such Bishop, or in Place and Stead of either of such Two Persons appointed by His Majesty, so ceasing to be such Commissioner respectively; and in case of the Death, Resignation, or Removal of said Commissioner appointed by the Lord Primate and the Archbishop of *Dublin*, it shall and may be lawful for the said Lord Primate and Archbishop of *Dublin* for the Time being to appoint another proper
and

and discreet Person in the Place and Stead of the Person so dying, resigning, or being removed as aforesaid; and any such Bishop or Person so to be appointed shall accordingly be and become to all Intents and Purposes one of the Commissioners for the Purposes of this Act.

IV. And be it further enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors to order and appoint such Salary as he or they shall deem fit to be paid to the said Three Persons (not being Bishops) to be appointed such Commissioners as aforesaid, Regard being had to the Nature and Extent of the Duties to be performed, and to the Responsibility which may attach to such Persons respectively.

Salaries to Commissioners.

V. And be it further enacted, That it shall and may be lawful for the said Commissioners to appoint, during Pleasure, such Secretary and Treasurer, and such other subordinate Officer or Officers, as they in their Discretion shall think necessary for the Execution of the several Duties and Trusts hereby reposed in them; and the said Commissioners shall, out of the several Funds hereby vested in and made payable to them, pay such Salaries as shall, pursuant to the Provision herein-before contained, be appointed to be paid to the said Three Commissioners, and also such other Salaries to the said Secretary, Treasurer, and other subordinate Officer or Officers as the said Commissioners, by and with the Approbation and Consent of the Lord Lieutenant or other Chief Governor or Governors, testified in Writing under his or their Hand or Hands, shall from Time to Time think fit and allow; and the said Commissioners shall also out of the said Funds defray all such incidental Charges and Expences as shall become necessary in the Execution of the several Powers and Trusts by this Act, or by any Act hereafter to be passed, reposed in them.

Commissioners to appoint Officers, and pay Salaries and incidental Expences.

VI. And be it further enacted, That all Acts, Matters, and Things (save as herein-after excepted) which the said Commissioners are by any of the Provisions of this Act authorized or required to do and perform, shall and may be done and performed by any Three of such Commissioners: Provided always, that such Three Commissioners be for such Purpose assembled at a Meeting, whereof due Notice shall have been given to all the said Commissioners.

Three Commissioners to form a Quorum.

VII. Provided always, and be it hereby enacted, That no Proceeding which requires to be ratified and confirmed by the Common Seal of the Corporation shall be finally concluded, nor the said Seal affixed to any Deed or Instrument, save at a Meeting whereof Notice shall have been in like Manner given, and whereat One at least of the said Episcopal Commissioners shall be personally present: Provided always, that in case any Episcopal Commissioner, being the only Episcopal Commissioner present, should object to the Ratification and Confirmation of any such Proceeding as aforesaid, or to the affixing of such Seal to any Deed or Instrument as aforesaid, such Ratification or affixing of the Seal shall not take place till a subsequent Meeting of the Commissioners, of which due Notice shall have been given.

As to Proceedings requiring to be ratified by the Common Seal.

VIII. And be it further enacted, That at each Meeting of the said Commissioners the Commissioner first in Rank and Precedence there present shall preside as Chairman, and in case of the Equality

Who to be Chairman.

in

in Rank and Precedence of all the Commissioners so present, then the senior Commissioner in the Order of Appointment shall so preside; and the Chairman at all such Meetings shall not only vote as a Commissioner, but shall also, in case of the Equality of Votes, have the casting or decisive Vote.

Secretary to
keep a Book.

IX. And be it further enacted, That the Secretary or other Officer of said Commissioners shall keep a Book, in which he shall make Minutes of the Proceedings of the said Commissioners at their several Meetings, and enter the Names of the Commissioners present thereat; and such Entry of the Proceedings at each Meeting shall be signed by the Chairman thereof.

Commissioners
to make a Report
to Lord Lieu-
tenant, and re-
turn an Account
to be laid before
Parliament once
in every Year,
or oftener if
required.

X. And be it further enacted, That the said Commissioners shall once in every Year, within Fourteen Days after the First Day of *August*, make a Report to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, under the Hands and Seal of the said Commissioners, of their Proceedings under this Act for the Year preceding ending on such First Day of *August*, and shall also return with said Report an Account of all their Receipts and Disbursements during the like Period, distinguishing the specific Sources from which all Monies may be derived, and showing the total Amount derived from each such Source, together with the specific Purposes to which the Receipts have been applied; and such Report and Account shall be laid before both Houses of Parliament; and the said Commissioners shall also, at all other Times when and as thereunto required by the Lord Lieutenant or other Chief Governor or Governors for the Time being, deliver to him or them a Report of their Proceedings, and return an Account of their Receipts and Disbursements under this Act, for and during such Period as they may be so required.

Commissioners
to make Rules
and Bye Laws,
to be approved
by Lord Lieu-
tenant.

XI. And be it enacted, That the said Commissioners shall frame and prepare such Rules, Orders, and Bye Laws, not being contrary to the Provisions in this Act contained, nor to the Laws of that Part of the United Kingdom called *Ireland*, as the said Commissioners shall judge most convenient for the better Government of such Corporation, and the Management and Disposal of the Funds hereby vested in them for the several Purposes of this Act, and for the more effectual Execution of the several Powers and Trusts hereby reposed in them; and all such Rules, Orders, and Bye Laws, being approved and confirmed by the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by Writing under his or their Hand or Hands, shall be good, valid, and effectual, and shall be sufficient in all Courts to justify all Persons who shall act pursuant to the same; and it shall be lawful for the said Commissioners, by and with the Consent and Approbation of the said Lord Lieutenant or other Chief Governor, from Time to Time to annul or alter such Rules, Orders, and Bye Laws, or to make others in lieu thereof or in addition thereto, which, being duly confirmed as aforesaid, shall be good, valid, and effectual to all Intents and Purposes whatsoever: Provided always, that no Rule, Order, or Bye Law shall be presented to the Lord Lieutenant or other Chief Governor for his Approbation and Confirmation unless it shall have been made by the said Commissioners at one Meeting, and shall afterwards have been confirmed by them at another Meeting, which other Meeting shall have been called upon One Month's Notice, wherein

wherein shall have been set forth the Rule, Order, or Bye Law proposed to be confirmed.

XII. And be it enacted, That the Governors and Directors of the Bank of *Ireland* shall and they are hereby required to open in their Books a general and such and so many particular and distinct Accounts with the said Commissioners, under the Title of "The Ecclesiastical Commissioners for *Ireland*," as the said Commissioners shall from Time to Time require to be kept, and to receive such Lodgments and make such Payments to the Credit and Debit of such Accounts respectively, and to give and deliver such Receipts and Vouchers as the said Commissioners shall from Time to Time direct.

An Account to be kept with Bank of Ireland.

XIII. And be it further enacted, That from and after the Commencement of this Act all Payments of First Fruits in *Ireland* shall cease and determine for ever; and that all Archbishops, Bishops, Archdeacons, Deans, Rectors, Vicars, and all other Ecclesiastical Persons, and their Successors, in *Ireland*, shall be for ever hereafter excused, acquitted, and discharged, as well against His present Majesty, His Heirs and Successors, as against the Trustees and Commissioners of First Fruits in *Ireland*, and all other Persons whatsoever, of and from the Payment of all and all manner of First Fruits issuing out of Ecclesiastical Benefices payable by the Clergy in *Ireland*, by whatsoever Name the same are called, and by whatsoever Right or Title the same did or now may belong to the Crown, or to the said Trustees and Commissioners, or any other Person or Persons: Provided always, that nothing herein contained shall extend or be construed to extend to exonerate, acquit, or discharge any Persons, their Heirs, Executors, or Administrators, from paying and satisfying all and every the Arrears of First Fruits due or payable by them or any of them, or which may hereafter become due and payable by virtue of any Writing Obligatory in force at or before the passing of this Act, but that such Arrears shall and may be recovered as hereafter provided.

Payments of First Fruits to cease.

Nothing herein to acquit Persons of Arrears.

XIV. And be it further enacted, That the said Ecclesiastical Commissioners shall make or cause to be made, and from Time to Time, as they shall think necessary, amend or cause to be amended, a Valuation, in which Valuation Allowance shall be made for the Deduction herein-after mentioned, of all and every the Revenues, Rents, Farms, Tithes, Composition for Tithes, Estates, Demesnes, Glebe and other Lands, Offerings, Emoluments, and all other Profits, Spiritual or Temporal, appertaining or belonging, or that shall hereafter appertain or belong, to any Archbishoprick, Bishoprick, Archdeaconry, Deanery, Prebend, Cathedral Church, Collegiate Church, Spiritual Corporations, Aggregate or Sole, Parsonage not Improprite, Vicarage, Benefice, Chantry, Free or other Chapel, Perpetual Curacy, or any other Benefice or Office or Promotion Spiritual, of what Name, Nature, Quality, or Description soever they be, within that Part of the United Kingdom called *Ireland*, and shall have, take, levy, and receive therefrom and thereout, from and after the Times when the same shall severally become void next after the passing of this Act, and for ever thereafter, a yearly Tax, Rate, or Assessment, computed and imposed upon such Valuation, according to the several Rates and Scales specified and contained in the Schedule (A.) to this Act annexed.

Commissioners to make a Valuation of all Livings, &c., and levy a yearly Assessment therefrom, subject to Deduction mentioned hereafter; such Assessment to commence from next Avoidance.

XV. And

of the Peace for the same County, Riding, Division, or Place, conditioned to appear at the said Sessions, and to try such Appeal, and to abide the Judgment of the Court thereupon, and to pay such Costs as shall be awarded by the Court; and the Court at such Sessions shall hear and determine the Matter of such Appeal, and shall make such Order therein, with or without Costs to either Party, as to the Court shall seem meet.

Warrant not to be quashed for Want of Form.

IV. And be it further enacted, That no such Warrant of Distress or Adjudication made on Appeal therefrom shall be quashed for Want of Form.

Rated Persons not to be disqualified from giving Evidence.

V. Provided always, and be it further enacted, That at the hearing of the said Complaint and Appeal, or either of them, no Person shall be an incompetent Witness by reason of his or her being rated or liable to be rated to the said Rate or Assessment, Rates or Assessments.

CAP. XXXVI.

An Act to diminish the Inconvenience and Expence of Commissions in the Nature of Writs De lunatico inquirendo; and to provide for the better Care and Treatment of Idiots, Lunatics, and Persons of unsound Mind, found such by Inquisition. [24th July 1833.]

‘ WHEREAS great Inconvenience and Expence have been experienced from the Practice of directing or addressing Commissions in the Nature of Writs De lunatico inquirendo to Three or more Persons therein named as Commissioners: And whereas Doubts have arisen whether such Commissions can be directed or addressed to One such Commissioner only:’ Be it therefore enacted and declared by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the Lord Chancellor, or the Lord Keeper or Commissioners of the Great Seal of *Great Britain*, or other the Person or Persons for the Time being intrusted by virtue of the King’s Sign Manual with the Care and Commitment of the Custody of the Persons and Estates of Persons found idiot, lunatic, or of unsound Mind, (in case he or they shall deem it advisable,) to cause any Commission in the Nature of a Writ De lunatico inquirendo to be directed or addressed to any One or more Person or Persons, who shall make Inquisition thereon, and return the same into the High Court of Chancery, and who for that Purpose shall have the same Power to issue Precepts to the Sheriff to summon a Jury, and to compel the Attendance of Witnesses, and the Production or Attendance of the alleged Lunatic, Idiot, or Person of unsound Mind, and all other the Powers hitherto possessed by the Three or more Commissioners in such Commissions named; and such Inquisition shall be good and valid to all Intents and Purposes as if the said Commission in the Nature of a Writ De lunatico inquirendo had been directed or addressed to, and the said Inquisition returned by, Three or more Commissioners, as heretofore.

The Lord Chancellor or Lord Keeper may cause Commissions in the Nature of Writs De lunatico inquirendo to be addressed to any One or more Persons, who shall have sufficient Power to make Inquisition therein.

The Lord Chancellor may appoint Visitors

II. ‘ And whereas it is expedient, for the better Care and Treatment of Idiots, Lunatics, and Persons of unsound Mind, found such

'such by Inquisition, that proper and fit Persons should be appointed to superintend, and from Time to Time report to the Lord Chancellor, or other the Person or Persons intrusted as aforesaid, the Care and Treatment and State of every such Idiot, Lunatic, and Person of unsound Mind;' be it further enacted, That it shall and may be lawful for the Lord Chancellor, or other the Person or Persons intrusted as aforesaid, by an Instrument under his Hand and Seal or their Hands and Seals, to appoint Three Persons, Two of whom shall be Physicians, and One a Barrister of not less than Five Years standing, to be Visitors, during Pleasure, for superintending, inspecting, and reporting upon, under the Order and Direction of the Lord Chancellor or other the Person or Persons intrusted as aforesaid, the Care and Treatment of all Persons found idiot, lunatic, or of unsound Mind, by Inquisition, and to make all such Orders and Regulations as to the Duties of such Visitors as the Lord Chancellor, or other the Person or Persons intrusted as aforesaid, shall from Time to Time think fit, and to allow such Visitors such Salaries, not to exceed Five hundred Pounds *per Annum* to each of the Medical Visitors, and Three hundred Pounds *per Annum* to the other Visitor, for their Trouble, and also such Allowances for travelling Expences, as such Lord Chancellor, or other the Person or Persons intrusted as aforesaid, shall think reasonable.

to superintend, and report to him upon the Care and Treatment of Idiots, &c.

III. And be it further enacted, That each of such Persons so found idiot, lunatic, or of unsound Mind as aforesaid shall be visited at the least once in each Year by One of such Medical Visitors, and oftener if the same shall be deemed expedient by the Lord Chancellor, or other the Person or Persons intrusted as aforesaid.

Persons found idiot, &c. to be visited at least once in each Year.

IV. And be it further enacted, That within a fit and convenient Time after each such Visitation such Visitors shall respectively make a Report in Writing to the Lord Chancellor, or other the Person or Persons intrusted as aforesaid, of the State of Mind and bodily Health, and of the general Condition, and also of the Care and Treatment of each such Person so found idiot, lunatic, or of unsound Mind who shall have been visited by him as aforesaid; which said Reports shall be duly filed and kept secret in the Office of such Visitors, and shall be open to the Inspection of no Person whatsoever, save and except the said Visitors, their Secretary, and the Lord Chancellor, or other the Person or Persons intrusted as aforesaid, or such other Person or Persons as the Lord Chancellor, or other Person as Persons intrusted as aforesaid, shall specially appoint: Provided always, that all such Reports, so far as the same relate to any particular Patient, shall be cancelled and destroyed on the Decease of each such Patient, and shall also be cancelled and destroyed on the Supersedeas of his or her Commission, unless the Lord Chancellor, or other the Person or Persons intrusted as aforesaid, shall deem it fit and expedient that the same shall not be cancelled or destroyed until his or her Death.

Visitors to report to the Lord Chancellor, &c. on Care and Treatment of Idiots, &c.

V. And be it further enacted, That as often as any of the Visitors to be appointed as aforesaid shall die or be removed, or refuse to act, or become unable, by Illness or otherwise, to act, it shall and may be lawful for the Lord Chancellor, or other the Person or Persons intrusted as aforesaid, by an Instrument under his Hand

In case of Death, &c. of Visitors, the Lord Chancellor may appoint others.

and Seal or their Hands and Seals, to appoint a Visitor in the Room of every Visitor who shall die or be removed, or refuse or become unable to act.

Persons interested in Houses licensed for the Reception of insane Persons not to act as Visitors.

VI. And be it further enacted, That no Person shall be appointed Visitor as aforesaid who shall be, or shall have been within the Two Years then next preceding, directly or indirectly interested in the keeping any House licensed for the Reception of insane Persons; and if any Person shall after his Appointment become so interested, and continue to act as such Visitor, his Appointment as Visitor shall thenceforth become null and void, and it shall not be lawful for him to act as such Visitor.

A Secretary to such Visitors may be appointed.

VII. And be it further enacted, That the Lord Chancellor, or other the Person or Persons intrusted as aforesaid, is and are hereby empowered, by an Instrument under his Hand and Seal or their Hands and Seals, to appoint, during Pleasure, a fit Person to be Secretary to such Visitors, and for the Purposes of this Act, and to allow such Person such Salary for his Trouble, not exceeding Three hundred Pounds *per Annum*, and also to allow such further Sum or Sums of Money, not exceeding Three hundred Pounds *per Annum*, for providing and maintaining suitable Offices for the said Visitors and Secretary, and for the general Expences of carrying into execution the Purposes of this Act, as such Lord Chancellor, or other the Person or Persons intrusted as aforesaid, shall think reasonable.

A Fund for Payment of Salaries and Expences to be raised by a Per-centage on the Income of the Idiots, &c.

VIII. And be it further enacted, That in order to raise a Fund for the Payment of the said Salaries and Expences, and for the other incidental Expences of this Act, it shall be lawful for the Lord Chancellor, or other the Person or Persons intrusted as aforesaid, to raise such Fund by a Per-centage on the clear annual Incomes of the Persons found Idiots, Lunatics, or of unsound Mind by Inquisition as aforesaid, such Per-centage not to exceed One and a Half Pounds *per Cent.* on such clear annual Incomes, and to order the same, by general Order, to be paid by the Committees or Receivers or other the Person or Persons for the Time being in receipt of the Income of the respective Estates of the said Idiots, Lunatics, and Persons of unsound Mind, into the Bank of *England*, in the Name and with the Privy of the Accountant General of the Court of Chancery, to an Account to be opened and entitled "The Account of the Board of Visitors for the better Care and Treatment of Lunatics."

Committees, &c. to pay such Per-centage into the Bank, upon receiving Notice.

IX. And be it further enacted, That the said Committees and Receivers or other the Person or Persons aforesaid shall respectively pay out of the Funds in their Hands the said Per-centage so ordered to be paid as aforesaid on the Sums certified by the Masters of the Court of Chancery to be the Amounts of the clear annual Incomes as herein after mentioned, into the Bank of *England*, in the Name of the Accountant General, to the said Account so to be opened and entitled as aforesaid, within One Calendar Month after receiving a Notice in Writing from the said Secretary to the said Visitors, setting forth the Amount of the Sums so certified as the Sums to be paid by such Committees and Receivers or other Person or Persons as aforesaid, and shall be allowed the same in passing their Accounts.

Masters of the Court of Chancery to certify

X. And for the better estimating the Amounts of the said clear annual Incomes, and collecting the said Per-centage thereon; be it further

further enacted, That the Masters of the said Court of Chancery shall, within Two Calendar Months from the passing of this Act, in all Matters of Lunacy referred to them, wherein a Committee or Committees shall have been then appointed, and within Two Calendar Months after the Appointment of Committees, or within Twelve Calendar Months after the Date of the Inquisition in all other Cases, respectively ascertain and certify to the Lord Chancellor, or other the Person or Persons intrusted as aforesaid, the respective Amounts of the clear annual Incomes of the Persons so found Idiots, Lunatics, or of unsound Mind as aforesaid; and in case any Alteration shall afterwards take place, the said several Masters shall respectively certify the same to the Lord Chancellor, or other the Person or Persons intrusted as aforesaid, within Two Calendar Months after such Alteration shall have been made known to them; and for the Purpose of enabling the said Masters to ascertain and certify the Amounts of such clear annual Incomes, it shall and may be lawful for the said Masters to summon the Committees and Receivers or other the Person or Persons for the Time being in receipt of the Income of the respective Estates of the said Idiots, Lunatics, and Persons of unsound Mind, to attend them to give them all the Information in their Power, and also to produce all Books, Papers, Accounts, and Documents in their Possession or Power relating to the Incomes or Estates of such Idiots, Lunatics, and Persons of unsound Mind.

the Amount of
Income of
Idiots, &c.

XI. And be it further enacted, That no Sum of Money required for the Purposes of this Act shall be paid by the said Accountant General out of the said Fund so paid into the Bank of *England* as aforesaid, except upon Checks or Drafts payable to the Bearer, and signed by the Lord Chancellor, or other Person or Persons intrusted as aforesaid; and that no Fee shall be charged or taken upon, for, or in respect of such Payments or any of them.

Payments out
of the Fund to
be by Checks
signed by the
Lord Chan-
cellor.

XII. And be it further enacted, That the Account of Monies received and paid under and by virtue of this Act shall once in every Year be made out by the said Secretary, and audited and signed by such One of the said Masters of the said Court of Chancery as the Lord Chancellor, or other the Person or Persons intrusted as aforesaid, shall appoint for that Purpose, and shall afterwards be filed in the Office of the Secretary of Lunatics; and that no Fee shall be charged or taken upon, for, or in respect of such Account being so audited or filed.

Accounts to be
audited yearly,
and filed.

CAP. XXXVII.

An Act to alter and amend the Laws relating to the Temporalities of the Church in *Ireland*.

[14th August 1833.]

‘ WHEREAS it is expedient to make Provision for the
‘ Abolition of First Fruits in *Ireland*, and the Substitution
‘ of an annual Tax in lieu thereof; and it is also expedient that
‘ compulsory Assessments by Vestries should be abolished in certain
‘ Cases: And whereas the Number of Bishops in *Ireland* may be
‘ conveniently diminished, and the Revenues of certain of the
‘ Bishopricks, as well as the said annual Tax, applied to the
‘ building, rebuilding, and repairing of Churches and other such

see 14th Aug 1833
d. 18. 3d 4 1/2 m
d. 17 1/2 57

‘ like

Acts or Parts of
Acts repealed;
viz.

28 H. 8. c. 8.

28 H. 8. c. 14.

2 Eliz. c. 3.

2 G. 1. c. 15.

8 G. 1. c. 12. a. 6.

10 G. 1. c. 7.

29 G. 2. c. 18.

29 G. 3. c. 26.

‘ like Ecclesiastical Purposes, and to the Augmentation of small Livings, and to such other Purposes as may conduce to the Advancement of Religion, and the Efficiency, Permanence, and Stability of the United Church of *England and Ireland*: And whereas the Tenure by which Church Lands are held in *Ireland* is inconvenient, and it is expedient to alter the same in such Manner as may tend to the Ease and Security of the Church, and the Advantage of the Persons holding thereunder:’ be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Commencement of this Act the several Acts or Parts of Acts hereafter mentioned shall be repealed; (that is to say,) an Act made in the Parliament of *Ireland* in the Twenty-eighth Year of the Reign of King *Henry* the Eighth, intituled *An Act for First Fruits*; an Act made in the Parliament of *Ireland* in the Twenty-eighth Year of the Reign of King *Henry* the Eighth, intituled *An Act for the Twentieth Part*; so much of an Act made in the Parliament of *Ireland* in the Second Year of the Reign of Queen *Elizabeth*, intituled *An Act for the Restitution of the First Fruits and Twentieth Part, and Rents reserved nomine Ten or Twenty, and of Parsonages Improprite, to the Imperial Crown of this Realm*, as relates to or concerns First Fruits and Twentieth Parts, or the Payment thereof; an Act made in the Parliament of *Ireland* in the Second Year of the Reign of King *George* the First, intituled *An Act for confirming the several Grants made by Her late Majesty of the First Fruits and Twentieth Parts payable out of the Ecclesiastical Benefices in this Kingdom, and also for giving the Archbishops, Bishops, and other Ecclesiastical Persons some Years Time for the Payment of First Fruits*; so much of an Act made in the Parliament of *Ireland* in the Eighth Year of the Reign of King *George* the First, intituled *An Act for the better enabling of the Clergy having Cure of Souls to reside upon their respective Benefices, and for the Encouragement of Protestant Schools within this Kingdom of Ireland*, as relates to or concerns the Payment of any Sum of Money by the Trustees of First Fruits therein mentioned; an Act made in the Parliament of *Ireland* in the Tenth Year of the Reign of King *George* the First, intituled *An Act for amending an Act, intituled ‘ An Act for confirming the several Grants made by Her late Majesty out of the First Fruits and Twentieth Parts payable out of the Ecclesiastical Benefices in this Kingdom, and also for giving the Archbishops and other Ecclesiastical Persons Four Years Time for the Payment of First Fruits,’ and for incorporating the Trustees and Commissioners of the said First Fruits*; an Act made in the Parliament of *Ireland* in the Twenty-ninth Year of the Reign of King *George* the Second, intituled *An Act for amending and making more effectual the several Laws relating to the First Fruits payable out of the Ecclesiastical Benefices in this Kingdom, and for the better Regulation and Management of the Charitable Bequests of Doctor Hugh Boulter, late Lord Archbishop of Armagh, for augmenting the Maintenance of Poor Clergy in this Kingdom*; an Act made in the Parliament of *Ireland* in the Twenty-ninth Year of the Reign of King *George* the Third, intituled *An Act for the better enforcing the Payment of the First Fruits chargeable on the Clergy of this Kingdom*; also an Act made in the Parliament of the United Kingdom

Kingdom, in the Forty-sixth Year of the Reign of His late Majesty King George the Third, intituled *An Act for amending an Act passed in Ireland in the Twenty-ninth Year of King George the Second, intituled 'An Act for amending and making more effectual the several Laws relating to First Fruits payable out of Ecclesiastical Benefices in this Kingdom, and for the better Regulation and Management of the Charitable Bequest of Doctor Hugh Boulter, late Lord Archbishop of Armagh, for augmenting the Maintenance of Poor Clergy in this Kingdom,' so far only as relates to the said Charitable Bequest*; an Act made in the Parliament of the United Kingdom in the Forty-third Year of the Reign of King George the Third, intituled *An Act to enable the Commissioners of First Fruits in Ireland to lend certain Sums of Money (Interest free) to Incumbents of Benefices there, for the Purpose of enabling them to erect or purchase Glebe Houses and Offices convenient for their Residence, and to purchase Glebe Lands fit and convenient for the Erection of such Houses and Offices; and to make Provision for the Repayment of all Loans so to be made by the said Commissioners*; an Act made in the Parliament of the United Kingdom in the Forty-eighth Year of the Reign of King George the Third, intituled *An Act to make more effectual Provision for the building and rebuilding of Churches, Chapels, and Glebe Houses, and for the Purchase of Glebe Lands, Glebe Houses, and Improvements in Ireland*; an Act made in the Parliament of the United Kingdom in the Forty-ninth Year of the Reign of King George the Third, intituled *An Act to amend an Act made in the last Session of Parliament, for making Provision for the building and rebuilding of Churches, Chapels, and Glebe Houses in Ireland*; so much of an Act made in the Parliament of the United Kingdom in the Fourth Year of the Reign of King George the Fourth, intituled *An Act to amend the Laws for collecting Church Rates and Money advanced by the Trustees and Commissioners of the First Fruits of Ecclesiastical Benefices, and for the Improvement of Church Lands, in Ireland, as relates to the making, applotting, raising, levying, or enforcing any Rate, Assessment, or Cess for or towards the repairing, building, or rebuilding any Churches or Chapels in Ireland, or as relates to any Loans made by the Trustees and Commissioners of the First Fruits of Ecclesiastical Benefices in Ireland, or any Instalments of Sums payable to the said Trustees and Commissioners, or to any Proceeding concerning any of the same; and the said several hereinbefore recited Acts and Parts of Acts are hereby, from and after the Commencement of this Act, repealed accordingly, save and except so far as the said recited Acts or Parts of Acts, or any of them, repeal the Whole or any Part of any other Act or Acts; and also save and except so far as relates to any Acts, Matters, and Things done at any Time before the Commencement of this Act, all which Acts, Matters, and Things shall be and remain good, valid, and effectual, to all Intents and Purposes whatsoever, as if this Act had not passed; and also save and except as to the Recovery and Application of any Penalty for any Offence which shall have been committed previous to the Commencement of this Act; and also save and except as to the Recovery and Application of any Sum and Sums of Money lent or advanced under or by virtue of any of said recited Acts or Parts of Acts, and which may now be*

46 G. 3. c. 60.

43 G. 3. c. 106.

48 G. 3. c. 65.

49 G. 3. c. 103.

and
4 G. 4. c. 86.

except as to the Repeal of former Acts; as to the Recovery of Penalties; or as to the Recovery of Monies now or hereafter due, and to Bonds and Securities for the same.

or at any Time after become due, and also save and except so far as relates to all and every the Bonds or other Securities for the Repayment of any such Sum or Sums of Money, all which Penalties, Sums of Money, and Bonds or other Securities, not by this Act otherwise provided for, shall and may be sued for, recovered, and dealt with to all Intents and Purposes as if this Act had not been passed.

Ecclesiastical
Commissioners
to be appointed.

II. And be it further enacted, That the Lord Primate of all *Ireland*, the Lord High Chancellor of *Ireland*, being a Member of the United Church of *England* and *Ireland*, the Lord Archbishop of *Dublin*, the Lord Chief Justice of *Ireland*, being a Member of the United Church of *England* and *Ireland*, all now and hereafter for the Time being, and also such Four of the Archbishops or Bishops of *Ireland* as shall be appointed from Time to Time by His Majesty in Council for the Time being, by Warrant under the Sign Manual, together with Three proper and discreet Persons, being Members of the United Church of *England* and *Ireland*, Two of whom to be appointed from Time to Time by His Majesty in Council by Warrant under the Sign Manual, and the other to be appointed from Time to Time by the said Lord Primate and Lord Archbishop of *Dublin* for the Time being, by Writing under their respective Hands and Seals, shall be One Body Politic and Corporate, by the Name of the "Ecclesiastical Commissioners for *Ireland*," and by that Name have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued, and shall have Power and Authority to take and purchase and hold Lands, Tenements, and Hereditaments to them, their Successors and Assigns, for the Purposes of this Act, the Statutes of Mortmain, or any other Act or Acts, to the contrary hereof notwithstanding: Provided always, that the said Lord Chancellor and Lord Chief Justice, and said Three other Commissioners respectively, and their Successors for ever, do and shall, before acting under said Commission, and at the First Meeting they shall respectively attend, subscribe in the Book of the Minutes of the Proceedings of said Commissioners a Declaration in the Words following:

Commissioners
to subscribe the
following Declaration.

' I DO hereby solemnly, and in the Presence of God, testify and
' declare, That I am a Member of the United Church of *England*
' and *Ireland*, as by Law established. Witness my Hand this
' Day of

His Majesty in
Council may
remove Commissioners and
fill up Vacancies.

III. And be it further enacted, That the said Four Bishops and the said Three other Commissioners shall be at all Times removable by His Majesty in Council by Warrant under the Sign Manual; and that whenever by Death, Resignation, Removal, or otherwise, any such Bishop or Person shall cease to be a Commissioner under this Act, then and in every such Case it shall and may be lawful for His Majesty, by Warrant as aforesaid, to appoint one other Bishop or Person in the Place and Stead of any such Bishop, or in Place and Stead of either of such Two Persons appointed by His Majesty, so ceasing to be such Commissioner respectively; and in case of the Death, Resignation, or Removal of said Commissioner appointed by the Lord Primate and the Archbishop of *Dublin*, it shall and may be lawful for the said Lord Primate and Archbishop of *Dublin* for the Time being to appoint another proper and

and discreet Person in the Place and Stead of the Person so dying, resigning, or being removed as aforesaid; and any such Bishop or Person so to be appointed shall accordingly be and become to all Intents and Purposes one of the Commissioners for the Purposes of this Act.

IV. And be it further enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors to order and appoint such Salary as he or they shall deem fit to be paid to the said Three Persons (not being Bishops) to be appointed such Commissioners as aforesaid, Regard being had to the Nature and Extent of the Duties to be performed, and to the Responsibility which may attach to such Persons respectively.

Salaries to
Commissioners.

V. And be it further enacted, That it shall and may be lawful for the said Commissioners to appoint, during Pleasure, such Secretary and Treasurer, and such other subordinate Officer or Officers, as they in their Discretion shall think necessary for the Execution of the several Duties and Trusts hereby reposed in them; and the said Commissioners shall, out of the several Funds hereby vested in and made payable to them, pay such Salaries as shall, pursuant to the Provision herein-before contained, be appointed to be paid to the said Three Commissioners, and also such other Salaries to the said Secretary, Treasurer, and other subordinate Officer or Officers as the said Commissioners, by and with the Approbation and Consent of the Lord Lieutenant or other Chief Governor or Governors, testified in Writing under his or their Hand or Hands, shall from Time to Time think fit and allow; and the said Commissioners shall also out of the said Funds defray all such incidental Charges and Expences as shall become necessary in the Execution of the several Powers and Trusts by this Act, or by any Act hereafter to be passed, reposed in them.

Commissioners
to appoint Offi-
cers, and pay
Salaries and
incidental Ex-
pences.

VI. And be it further enacted, That all Acts, Matters, and Things (save as herein-after excepted) which the said Commissioners are by any of the Provisions of this Act authorized or required to do and perform, shall and may be done and performed by any Three of such Commissioners: Provided always, that such Three Commissioners be for such Purpose assembled at a Meeting, whereof due Notice shall have been given to all the said Commissioners.

Three Commis-
sioners to form
a Quorum.

VII. Provided always, and be it hereby enacted, That no Proceeding which requires to be ratified and confirmed by the Common Seal of the Corporation shall be finally concluded, nor the said Seal affixed to any Deed or Instrument, save at a Meeting whereof Notice shall have been in like Manner given, and whereat One at least of the said Episcopal Commissioners shall be personally present: Provided always, that in case any Episcopal Commissioner, being the only Episcopal Commissioner present, should object to the Ratification and Confirmation of any such Proceeding as aforesaid, or to the affixing of such Seal to any Deed or Instrument as aforesaid, such Ratification or affixing of the Seal shall not take place till a subsequent Meeting of the Commissioners, of which due Notice shall have been given.

As to Proceed-
ings requiring
to be ratified by
the Common
Seal.

VIII. And be it further enacted, That at each Meeting of the said Commissioners the Commissioner first in Rank and Precedence there present shall preside as Chairman, and in case of the Equality

Who to be
Chairman.

in

in Rank and Precedence of all the Commissioners so present, then the senior Commissioner in the Order of Appointment shall so preside; and the Chairman at all such Meetings shall not only vote as a Commissioner, but shall also, in case of the Equality of Votes, have the casting or decisive Vote.

Secretary to
keep a Book.

IX. And be it further enacted, That the Secretary or other Officer of said Commissioners shall keep a Book, in which he shall make Minutes of the Proceedings of the said Commissioners at their several Meetings, and enter the Names of the Commissioners present thereat; and such Entry of the Proceedings at each Meeting shall be signed by the Chairman thereof.

Commissioners
to make a Report
to Lord Lieu-
tenant, and re-
turn an Account
to be laid before
Parliament once
in every Year,
or oftener if
required.

X. And be it further enacted, That the said Commissioners shall once in every Year, within Fourteen Days after the First Day of *August*, make a Report to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, under the Hands and Seal of the said Commissioners, of their Proceedings under this Act for the Year preceding ending on such First Day of *August*, and shall also return with said Report an Account of all their Receipts and Disbursements during the like Period, distinguishing the specific Sources from which all Monies may be derived, and showing the total Amount derived from each such Source, together with the specific Purposes to which the Receipts have been applied; and such Report and Account shall be laid before both Houses of Parliament; and the said Commissioners shall also, at all other Times when and as thereunto required by the Lord Lieutenant or other Chief Governor or Governors for the Time being, deliver to him or them a Report of their Proceedings, and return an Account of their Receipts and Disbursements under this Act, for and during such Period as they may be so required.

Commissioners
to make Rules
and Bye Laws,
to be approved
by Lord Lieu-
tenant.

XI. And be it enacted, That the said Commissioners shall frame and prepare such Rules, Orders, and Bye Laws, not being contrary to the Provisions in this Act contained, nor to the Laws of that Part of the United Kingdom called *Ireland*, as the said Commissioners shall judge most convenient for the better Government of such Corporation, and the Management and Disposal of the Funds hereby vested in them for the several Purposes of this Act, and for the more effectual Execution of the several Powers and Trusts hereby reposed in them; and all such Rules, Orders, and Bye Laws, being approved and confirmed by the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by Writing under his or their Hand or Hands, shall be good, valid, and effectual, and shall be sufficient in all Courts to justify all Persons who shall act pursuant to the same; and it shall be lawful for the said Commissioners, by and with the Consent and Approbation of the said Lord Lieutenant or other Chief Governor, from Time to Time to annul or alter such Rules, Orders, and Bye Laws, or to make others in lieu thereof or in addition thereto, which, being duly confirmed as aforesaid, shall be good, valid, and effectual to all Intents and Purposes whatsoever: Provided always, that no Rule, Order, or Bye Law shall be presented to the Lord Lieutenant or other Chief Governor for his Approbation and Confirmation unless it shall have been made by the said Commissioners at one Meeting, and shall afterwards have been confirmed by them at another Meeting, which other Meeting shall have been called upon One Month's Notice, wherein

wherein shall have been set forth the Rule, Order, or Bye Law proposed to be confirmed.

XII. And be it enacted, That the Governors and Directors of the Bank of *Ireland* shall and they are hereby required to open in their Books a general and such and so many particular and distinct Accounts with the said Commissioners, under the Title of "The Ecclesiastical Commissioners for *Ireland*," as the said Commissioners shall from Time to Time require to be kept, and to receive such Lodgments and make such Payments to the Credit and Debit of such Accounts respectively, and to give and deliver such Receipts and Vouchers as the said Commissioners shall from Time to Time direct.

An Account to be kept with Bank of Ireland.

XIII. And be it further enacted, That from and after the Commencement of this Act all Payments of First Fruits in *Ireland* shall cease and determine for ever; and that all Archbishops, Bishops, Archdeacons, Deans, Rectors, Vicars, and all other Ecclesiastical Persons, and their Successors, in *Ireland*, shall be for ever hereafter excused, acquitted, and discharged, as well against His present Majesty, His Heirs and Successors, as against the Trustees and Commissioners of First Fruits in *Ireland*, and all other Persons whatsoever, of and from the Payment of all and all manner of First Fruits issuing out of Ecclesiastical Benefices payable by the Clergy in *Ireland*, by whatsoever Name the same are called, and by whatsoever Right or Title the same did or now may belong to the Crown, or to the said Trustees and Commissioners, or any other Person or Persons: Provided always, that nothing herein contained shall extend or be construed to extend to exonerate, acquit, or discharge any Persons, their Heirs, Executors, or Administrators, from paying and satisfying all and every the Arrears of First Fruits due or payable by them or any of them, or which may hereafter become due and payable by virtue of any Writing Obligatory in force at or before the passing of this Act, but that such Arrears shall and may be recovered as hereafter provided.

Payments of First Fruits to cease.

Nothing herein to acquit Persons of Arrears.

XIV. And be it further enacted, That the said Ecclesiastical Commissioners shall make or cause to be made, and from Time to Time, as they shall think necessary, amend or cause to be amended, a Valuation, in which Valuation Allowance shall be made for the Deduction herein-after mentioned, of all and every the Revenues, Rents, Farms, Tithes, Composition for Tithes, Estates, Demesnes, Glebe and other Lands, Offerings, Emoluments, and all other Profits, Spiritual or Temporal, appertaining or belonging, or that shall hereafter appertain or belong, to any Archbishoprick, Bishoprick, Archdeaconry, Deanery, Prebend, Cathedral Church, Collegiate Church, Spiritual Corporations, Aggregate or Sole, Parsonage not Improperiate, Vicarage, Benefice, Chantry, Free or other Chapel, Perpetual Curacy, or any other Benefice or Office or Promotion Spiritual, of what Name, Nature, Quality, or Description soever they be, within that Part of the United Kingdom called *Ireland*, and shall have, take, levy, and receive therefrom and thereout, from and after the Times when the same shall severally become void next after the passing of this Act, and for ever thereafter, a yearly Tax, Rate, or Assessment, computed and imposed upon such Valuation, according to the several Rates and Scales specified and contained in the Schedule (A.) to this Act annexed.

Commissioners to make a Valuation of all Livings, &c., and levy a yearly Assessment therefrom, subject to Deduction mentioned hereafter; such Assessment to commence from next Avoidance.

XV. And

Tax when to be payable.

XV. And be it enacted, That the said yearly Tax shall be paid half-yearly in equal Moieties to the said Ecclesiastical Commissioners on each First Day of *July* and First Day of *January*, the first Payment on account of such annual Tax to be made from and out of each Dignity, Benefice, Office, or Promotion Spiritual on the First Day of *July* or First Day of *January*, as may happen, next after the First Day of *May* or the First Day of *November*, as may happen, next after the Consecration, Installation, Induction, Collation, investing, placing, Election, or Appointment of the Persons succeeding thereto: Provided always, that such Person shall only be charged or chargeable in such first Payment with a Proportion of such Tax, according to the Term during which he shall have enjoyed or been entitled to the Profits of such Dignity, Benefice, Office, or Promotion Spiritual; and provided further; that if any such Dignity, Benefice, Office, or Promotion Spiritual shall remain void for any Time after such Days herein-before appointed for the Payment of the said annual Tax, the Person succeeding thereto shall be charged and chargeable with all Arrears thereof accruing due from and after the last Avoidance thereof.

Tax how to be imposed on Dignities.

XVI. And be it enacted, That each and every Dignity, Benefice, or Office, or Promotion Spiritual, shall be separately and distinctly rated, each in the proper Diocese to which it may belong, where-soever the Possessions or Profits to them respectively belonging shall happen to be locally situate; and that in the Case of any Estate, Tithes, Funds, or other Emoluments whatsoever distributable among the Members of any Corporation Aggregate, under or by virtue of any Law, Statute, Bye Law, or Usage whatsoever, the said Tax, Rate, or Assessment shall be imposed severally upon the separate Share or Income of each such Member respectively, and that each such Share or Income shall be and become respectively charged therewith from and after the Time when the Member of such Corporation now enjoying or entitled to such Share or Income shall die, or become disqualified, or in any Manner cease to be a Member of such Corporation, and for ever thereafter.

Economy Fund exempted from Taxation.

XVII. Provided, and be it enacted, That no Economy Estate or Fund appropriated to the Purpose of repairing any Cathedral or Church, or other such like Purpose, shall be liable to the said annual Tax, Rate, or Assessment, save only so far as respects the Surplus thereof (if any), which may be distributable among the Dean and Chapter or Members of the Ecclesiastical Body to whom such Economy Estate or Fund may belong.

Spiritual Persons to make a Return of the annual Value of their Livings, &c.

XVIII. And be it further enacted, That in order to enable the said Commissioners the better to compute and impose the said Tax, Rate, or Assessment according to the Provisions of this Act, every Archbishop, Bishop, Archdeacon, Dean, Prebendary, Master, Warden, Parson, Spiritual Vicar, Perpetual Curate, and every Spiritual Corporation Aggregate under its Corporate Seal, and every Member of such a Corporation individually, and all and every other Spiritual Persons, in *Ireland*, by whatever Name or Names they may be respectively called, known, or described, shall, on or before the First Day of *December* in the Year One thousand eight hundred and thirty-three, and at all Times thereafter, when and so often as they or any of them shall think fit or shall be thereunto required by

by the said Commissioners, return respectively to the said Commissioners an Account of the true and entire yearly Value of such Archbishopricks, Bishopricks, and all other the Spiritual Promotions aforesaid, and all Lands, Tenements, Hereditaments, and Profits thereto respectively belonging, by them and each of them at the Time of making such Returns respectively held and enjoyed; and in case the Value thereof shall be of a fluctuating Nature, then such Account shall state the average annual Value *communibus annis*; such Account of such Value in either of the Cases aforesaid to be exclusive of the See House or Glebe House or Offices, or other Place of Residence of or belonging to the same respectively; and shall therein also respectively specify all Rents, Synodals, or Proxies, or other Charges (if any), payable out of or in respect of the same, and also the Amount of the Sums (if any) expended in building or improving such See House, Glebe House, or Offices, or Place of Residence, by such Spiritual Person, or paid or secured to be paid, or wherewith he shall be chargeable to his or their Predecessors respectively, or his or their Executors, Administrators, or Assigns; distinguishing the Sums which are or shall be recoverable by such Spiritual Person as aforesaid from or against his Successors from such Sums as shall not be so recoverable; and in case there shall be no See House or Glebe House or Place of Residence thereon or thereto belonging, then such Account shall specify the annual Rent paid or payable by such Spiritual Person for a House or Place of Residence occupied by him.

exclusive of
Glebe House or
Place of Re-
sidence.

XIX. And be it further enacted, That the said Ecclesiastical Commissioners shall also have Power and Authority, when and as often as they shall so think necessary, to direct into any Diocese in *Ireland* a Commission under their Corporate Seal to the Archbishop or Bishop thereof, and such other Person or Persons, being Members of the United Church of *England* and *Ireland*, as the said Commissioners shall think fit, commanding and authorizing the Persons in such Commission to be named, or Two of them at the least, to examine, search, and inquire into, of, and for all such Matters and Things as may be requisite and necessary in order to enable the said Ecclesiastical Commissioners under this Act to form the said Valuation, and impose the said Rate, Tax, and Assessment, according to the Provisions of this Act, and authorizing and empowering some Two or more Persons to be named in such Commission, separately, or in the Presence of each other, to administer an Oath to each of the said Persons therein named as aforesaid, to the Effect following; that is to say,

Commissioners
may issue a
Commission to
make Inquiries
for the Purpose
of enabling them
to form a Valua-
tion, and im-
pose a Rate.

‘ I *A. B.* do swear, That I will well, diligently, and truly, according to the best of my Skill and Knowledge, do, fulfil, perform, and execute the several Powers and Trusts reposed in me by virtue of a Commission issued pursuant to the Provisions of an Act passed in the Fourth Year of the Reign of His Majesty King *William* the Fourth, intituled [*here set forth the Title of this Act*], within the Limits thereof, without Favour or Affection, Prejudice, Malice, or Ill-will to any Person whatever. So help me GOD.’

Oath to be
taken by Per-
sons named in
such Commis-
sion.

Which Oath the said Persons to be therein named shall take before they shall begin to execute their said Commission; and also directing and authorizing and empowering the said Persons in such Commission so named, or Two of them at the least, to return, under

Commissioners
to make Report

and to examine
Witnesses.

Proviso as to
Costs of Com-
mission.

Certain Sums
chargeable on
Livings, &c. to
be deducted
from the Valua-
tion.

3/8/2. 325

under their Hands and Seals, to the Commissioners appointed under this Act, on a certain Day to be named in the said Commission, a true, just, and faithful Account and Estimate of the said several Matters and Things in the said Commission so directed to be inquired of by them as aforesaid, and which Return the said Persons in such Commission named are hereby required to make; and the said Persons to be therein named as aforesaid, or any Two of them, shall likewise have Power to examine Witnesses upon Oath touching or concerning any of the Matters or Things so to be inquired of by them as aforesaid: Provided always, that the said Ecclesiastical Commissioners under this Act may at their Discretion direct and order the Costs and Expences of issuing said Commission, and of all the Proceedings thereunder, or any Part thereof, to be paid and borne, in such Shares or Proportions as the said Commissioners shall think fit, by such Archbishop, Bishop, Archdeacon, Dean, Prebendary, Parson, Vicar, or other Spiritual Person aforesaid, of and into the Revenues, Rents, Issues, and Profits of whom such Commission shall be issued to inquire and examine as aforesaid; and which Costs and Expences, when so ordered to be paid as aforesaid, shall and may be recovered in the Manner hereafter directed and mentioned with respect to the said annual Tax: Provided always, that no such Archbishop, Dignitary, or Spiritual Person shall be required to pay the Costs or Expences of any such Commission, or any Part thereof, unless the Valuation of the Revenues, Issues, and Profits to him belonging shall exceed the Amount thereof as stated in the last previous Return thereof by him made in the Proportion of Ten Pounds *per Centum*.

XX. Provided, and be it enacted, That in and from the Valuation to be made for the Purpose of imposing the said Rate, Tax, or Assessment, the said Commissioners shall from Time to Time deduct and allow all Rents, Synodals, Proxies, and other Charges, including Salaries or Stipends for Perpetual Curates or licensed Assistant Curates of any Benefice the Incumbent whereof shall be resident in any such Benefice, which any such Spiritual Person or Persons as aforesaid, chargeable with the said annual Tax, is or are bound to pay or allow in respect of his or their Archbishoprick, Bishoprick, Archdeaconry, Deanery, Prebend, Benefice, or other Promotion Spiritual as aforesaid; and in case there shall be no See House or Glebe House or Place of Residence thereon or thereto respectively belonging, then that the said Ecclesiastical Commissioners shall deduct and allow such Sum as shall appear to be the annual Rent or Value of the House or Place of Residence occupied by each such Spiritual Person, or such lesser Sum as the said Ecclesiastical Commissioners shall in their Discretion think fit; and in case any such Spiritual Person so chargeable as aforesaid shall have expended or laid out in building or improving any House, Offices, or Place of Residence as aforesaid, or shall have paid or secured, or shall be chargeable with to his or their Predecessors respectively, or his or their respective Executors, Administrators, or Assigns, any Sum or Sums of Money on account of Money laid out or expended theretofore on any such Buildings or Improvements, then in every such Case the said Ecclesiastical Commissioners shall from Time to Time, in and from such Valuation, deduct and allow, on account thereof, in the following Manner and according to the following

following Rate; (that is to say,) the annual Sum or Allowance of Ten Pounds in the Hundred for all and every the Sum or Sums so expended or laid out in such Building or Improvement, or paid or secured to be paid, or with which such Person as aforesaid shall be chargeable to his Predecessor, or his Executors, Administrators, or Assigns, as the Case may be, on account of Money so theretofore laid out or expended on such Building or Improvement as aforesaid, and which shall not be by Law recoverable by such Person, his Executors, Administrators, or Assigns, from or against his Successor; and the annual Sum or Allowance of Five Pounds in every Hundred for all and every the Sum or Sums so expended or laid out, or paid or secured to be paid, or wherewith any such Person shall be chargeable to his Predecessors, or his Executors, Administrators, or Assigns, as aforesaid, on account of Money so theretofore laid out or expended as aforesaid, as the Case may be, and which shall be by Law recoverable by such Person, his Executors, Administrators, or Assigns, from or against his Successors.

XXI. Provided always, and be it further enacted, That the said Ecclesiastical Commissioners shall not, from or in such Valuation, deduct or allow for any Sum or Sums of Money so laid out or expended, or paid or secured to be paid, or wherewith any of the Persons aforesaid shall or may be chargeable as aforesaid, unless such Sum and Sums shall be contained, included, and mentioned in the Certificate of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or of the Archbishop or Bishop of the Province or Diocese respectively, as the Case may be, in such Cases given or directed to be given, under or by virtue of any Statute now or heretofore in force in *Ireland*, in order to enable any Archbishop, Bishop, or other of the Persons aforesaid to recover against his Successor the Sums above mentioned, or any of them, or any Part thereof.

No Sums shall be deducted unless mentioned in Certificate.

XXII. And be it further enacted, That if the said Tax, Rate, or Assessment, or any Part thereof, payable by any Body or Person, shall be in arrear and unpaid more than a reasonable Time after the same shall have been demanded by or on the Part of the Commissioners under this Act, it shall and may be lawful for such Commissioners in every such Case to apply to the Court of Chancery or Exchequer in *Ireland*, by Petition in a summary Way, for Relief in that Behalf; and such Court shall and may, on the Hearing of such Petition, and upon the Production of a Certificate under the Corporate Seal of such Commissioners, of such Tax being in arrear and unpaid as aforesaid, in a summary Way, with or without Reference to any Master or other Officer of said Court, order Process of Sequestration (after hearing such Matters, if any, as may be alleged in answer to such Application, by Affidavit or otherwise, upon a Day to be fixed for that Purpose,) to issue out of said Court, directed to Sequestrators to be named by or on behalf of such Commissioners, authorizing and requiring such Sequestrators forthwith to enter into the Possession of and take and receive the Rents, Issues, and Profits of all and every the Lands, Tenements, and Hereditaments of or belonging to any such Body or Person in his or their Ecclesiastical Capacity or Character, and all and every the Tithes, Moduses, Compositions for Tithes, Salaries, Stipends, Fees, and all other Ecclesiastical Emoluments and Profits whatsoever.

For enforcing Payment of Rates or Assessments.

of or belonging to the same respectively, or such Part or Parts thereof as to the said Court shall seem fully sufficient for the Purpose, and to pay over the same to such Commissioners, until they shall have been fully paid and satisfied the said yearly Tax and every Part thereof which shall be then, or which shall at any Time pending such Sequestration, remain or become due and payable, together with lawful Interest for the same from the Time when every such Sum or Sums ought respectively to have been paid, and all Costs and Charges and Expences whatsoever attending such Petition and Sequestration as aforesaid; and it shall and may be lawful for the said Court to proceed against all Persons disobeying or opposing such Process, or in any Manner hindering or preventing the due Execution thereof, and to act in all Matters connected with and consequent upon such Sequestration in the same Manner as in other Cases in which Sequestrations are or shall be issued out of said Court pursuant to the Orders of said Court.

Priority of Sequestrations under this Act.

XXIII. Provided always, and be it further enacted, That any Sequestration issued pursuant to the Provisions of this Act shall be preferred, and the said Commissioners under this Act shall be paid and satisfied the Sum and Sums to be recovered thereby, and every Part thereof, in preference to any other Person or Persons whatsoever, notwithstanding any Sequestration, Judgment, Execution, or other Process whatsoever issued or begun for such other Person or Persons; any thing herein or in any other Law or Statute contained to the contrary hereof notwithstanding.

If Incumbent die before Gale Day, Tax to be apportioned.

XXIV. Provided always, and be it further enacted, That if any Archbishop, Bishop, or other Person charged or chargeable with the Payment of said yearly Tax shall happen to die, or be lawfully evicted, translated, promoted, removed, or put from his Dignity, Benefice, Office, or Promotion Spiritual, before any one of the Gale Days hereby appointed for the Payment of the said Tax, then such Archbishop, Bishop, or Person, or his Executors or Administrators, as the Case may be, shall only be charged and chargeable with a Proportion of such Tax, according to the Time he may have been entitled to or enjoyed the Profits of such Dignity, Benefice, Perpetual Curacy, or Office, or Promotion Spiritual as aforesaid; and the Successor to such Dignity, Benefice, Office, or Promotion Spiritual shall become liable to the Residue of such Tax accruing due on such Gale Day: And provided further, that in any Case in which it shall be made to appear to the Satisfaction of the said Commissioners that any Spiritual Person chargeable with the said Tax shall not have received the Profits of the Dignity, Benefice, Perpetual Curacy, or Office, or Promotion Spiritual, in respect whereof he may be so chargeable, then and in such Case it shall be lawful for the said Commissioners to extend the Time for the Payment of such Tax until such Profits shall be received, or in case such Spiritual Person shall die, or be removed or promoted from his Dignity, Benefice, Perpetual Curacy, or Office, or Promotion Spiritual as aforesaid, without being entitled to receive any of such Profits, then and in such Case to charge and recover the same of and from his Successor therein whenever such Successor shall have received the said Profits; any thing herein-before contained to the contrary notwithstanding.

If Incumbent receive no Profits of his Prebend, the Payment of Tax to be delayed or charged on his Successor.

XXV. And be it further enacted, That the Proportion of said annual Tax due on the Death of any Archbishop, Bishop, or other Person as aforesaid shall be deemed and taken to be and shall rank as a Judgment Debt of such deceased Archbishop, Bishop, or Person as aforesaid, and be paid as such, as if a Judgment had been duly acknowledged by or entered against him during his Lifetime by the said Commissioners for the Amount of said Tax which shall be so due as aforesaid, and immediately after all other *bonâ fide* Judgments, Crown Bonds, and Recognizances entered up against, acknowledged, or executed by him during his Lifetime.

Arrears of Tax
due on Death
of such Person
to rank as a
Judgment Debt.

XXVI. And be it further enacted, That the said Commissioners under this Act shall be deemed and taken to be, in every Ecclesiastical Court in the United Kingdom, Judgment Creditors of any Archbishop, Bishop, or other such Person as aforesaid chargeable with any Arrears of said annual Tax; and in case the Executors, or next of Kin, or Residuary Legatees of such Archbishop, Bishop, or other Person as aforesaid shall refuse or neglect to take out Probate or Letters of Administration to him, the said Commissioners shall be entitled to have Administration of his Goods and Chattels, Rights and Credits, granted or committed under their Nominee or Nominees in such Manner and Form, but subject to the same Regulations as far as may be, as and under which Administrations are usually granted to Creditors of other deceased Persons, notwithstanding that no Affidavit or other Evidence shall be made or given in or to such Ecclesiastical Court of any Debt being actually due to such Commissioners: Provided always, that a Certificate under the Corporation Seal of the said Commissioners shall be produced to such Ecclesiastical Court, alleging that a Debt on account of Arrears of said annual Tax is due to such Commissioners, and that they require such Administration to be granted to the Person to be therein named.

Nominee of
Commissioners
to be entitled to
Administration.

XXVII. And be it further enacted, That the several Archbishops and Bishops of *Ireland* shall, from and after the passing of this Act, on the First Day of *November* and First Day of *May* in every Year, or at farthest within Fourteen Days after, make Returns to the said Commissioners of all, how many, and what Archdeacons, Deans, Provosts, Masters, Wardens, Prebendaries, Rectors, Parsons, Vicars, Perpetual Curates, Incumbents, or other Spiritual Persons, by whatever Name called, known, or described, have been installed, admitted, instituted, collated, or inducted (and of and on whose Gift, Grant, or Presentation such Installation, Admission, Institution, or Induction has taken place,) into Dignities, Benefices, Curacies, Chapelries, Offices, or Promotions Spiritual, by whatever Name called, known, or described, as aforesaid, and by what Names and Surnames they were so installed, admitted, instituted, collated, or inducted, and each of them were singly and separately called and known by, together with the Day and Year of the Installation, Admission, Institution, Collation, or Induction of each of them, and in what County and Counties within their respective Diocese or Dioceses and Jurisdictions such Archdeaconries, Deaneries, Prebends, Rectories, Parsonages, Vicarages, Curacies, Chapelries, or other Dignities, Benefices, or Offices, or Promotions Spiritual, by whatever Name called, known, or described, be and are situated, to the Dates of the said respective Returns.

Archbishops
and Bishops to
return Promotions,
&c.

Provision for
Cases where
Archbishops are
also Bishops, &c.

XXVIII. And be it further enacted, That all and every the Powers and Authorities, Provisions, Regulations, Forfeitures, Clauses, Matters, and Things in this Act contained, in relation to Bishops in their Dioceses, shall extend and be construed to extend to the Archbishops in the respective Dioceses of which they are Bishops, and also in their own Peculiar Jurisdictions, as fully and effectually as if the Archbishops were named with the Bishops in every such Case.

Jurisdiction of
Bishops in
Peculiars.

XXIX. And be it further enacted, That every Archbishop and Bishop within the Limits of whose Province or Diocese respectively any Benefice or Office or Promotion Spiritual, by whatever Name called, known, or described respectively, exempt or peculiar, shall be locally situate, shall have, use, and exercise all the Powers and Authorities necessary for the due Execution by them respectively of all the Purposes and Provisions of this Act, and for enforcing the same with regard thereto respectively, as such Archbishop and Bishop respectively would have used and exercised if the same were not exempt and peculiar, but were subject in all respects to the Jurisdiction of such Archbishop or Bishop; and where any Benefice or Promotion Spiritual as aforesaid, exempt or peculiar, shall be locally situate within the Limits of more than One Province or Diocese, or where the same or any of them shall be locally situate between the Limits of any Two or more such Dioceses, the Archbishop or Bishop of the Cathedral Church to whose Province or Diocese the Parish Church of the same respectively shall be nearest in local Situation shall have, use, and exercise all and every the Powers and Authorities which are necessary for the due Execution of the Provisions of this Act, and enforcing the same with regard thereto respectively, as such Archbishop or Bishop would have used and exercised if the same were not exempt or peculiar, but were subject in all respects to the Jurisdiction of such Archbishop or Bishop respectively, and the same, for all the Purposes of this Act, shall be deemed and taken to be within the Limits of the Province or Diocese of such Archbishop or Bishop: Provided that the Peculiars belonging to any Archbishoprick or Bishoprick, though locally situate in another Diocese, shall continue subject to the Archbishop or Bishop to whom they belong, as well for the Purposes of this Act as for all other Purposes of Ecclesiastical Jurisdiction.

United Benefices to be taxed singly.

Benefices annexed to be valued separately.

XXX. And be it enacted, That where any Two or more Dignities, Benefices, Vicarages, or Perpetual Curacies shall be held by One Incumbent, that the same shall be valued and taxed as a single Benefice: Provided always, that in case any Dignity or Benefice be attached or annexed to or held together with any Archbishoprick or Bishoprick, such Dignity or Benefice, and such Archbishoprick or Bishoprick, shall be separately valued and taxed according to the respective Scales contained in the Schedules to this Act annexed, and as if such Benefice or Dignity, and such Archbishoprick or Bishoprick, were held and enjoyed by several Persons.

When a Bishoprick is void, who shall execute Powers of this Act.

XXXI. And be it further enacted, That whensoever and as often as any of the Archbishopricks or Bishopricks in *Ireland* shall happen to be void, that then the Dean of the Cathedral Church where the See of such Archbishoprick or Bishoprick being void shall happen to be, or the Vicar General of the Diocese,

cese, being in Holy Orders, or any Archdeacon of the Diocese, according to the Direction or Order of said Commissioners, to be made or given in Writing under the Seal of the said Commissioners, shall, during the Vacancy thereof, be charged and chargeable and is hereby required to do or cause to be done all and every Thing and Things for the due Execution of this Act, within the Diocese of such Archbishoprick or Bishoprick, as the same Archbishop or Bishop of the See being void should have done, according as it is limited and appointed by this Act, or by any thing herein contained: Provided always, that during the Vacancy of the Archbishoprick of *Dublin* it shall be lawful for said Commissioners to order, direct, and appoint the Dean of *Saint Patrick's*, or the Vicar General of such Diocese, being in Holy Orders, or Archdeacon of *Dublin*, to do and perform all and every the Matters and Things for the due Execution of this Act within such Diocese as such Archbishop should have done, according as it is limited and appointed by this Act, or any thing herein contained.

When Archbishoprick of *Dublin* void, who shall execute Powers of this Act.

XXXII. ' And whereas His Majesty has been graciously pleased to signify that He has placed at the Disposal of Parliament His Interest in the Temporalities and Custody thereof of the several Bishopricks and Archbishopricks mentioned in this Act and the Schedule (B.) thereto annexed; be it therefore enacted, That the Bishoprick of *Waterford*, now void, shall from and after the passing of this Act, and the other Bishopricks named in the First Column of the Schedule (B.) to this Act annexed shall, when and as the same may severally become void, be thenceforth united to and held together with the Bishoprick or Archbishoprick mentioned in conjunction therewith respectively in the Second Column of the said Schedule (B.); and that the Archbishops or Bishops of the Archbishopricks or Bishopricks in such Second Column named shall, at such Times respectively as before mentioned, be and become, by virtue of this Act, and without further Grant, Installation, or Ceremony whatsoever, Bishops respectively of the said Bishopricks named in such First Column in conjunction therewith, and shall have and exercise all and every the Ecclesiastical Patronages and Jurisdictions in appointing, collating, and presenting to all and every the Dignities, Rectories, Vicarages, Curacies, Chapelries, or other Offices or Promotions, and all other Jurisdictions whatsoever, by whatever Name called, known, or described, lawfully had, used, exercised, and enjoyed by the respective Bishops of the said Bishopricks in the First Column of the said Schedule (B.) named, as also the Right of nominating and appointing to all and every the Offices of Chancellor, Vicar General, Official, Principal Registrar, and all other Ecclesiastical Offices of or belonging or appertaining to such last-mentioned Bishopricks respectively; and His most Excellent Majesty, His Heirs and Successors, shall at all Times thereafter grant each such Bishoprick in the First Column of the said Schedule (B.) named, together with the Bishoprick or Archbishoprick to which it may have been united in manner aforesaid, to be held by one and the same Person.

Bishopricks in the First Column of the Schedule (B.) to this Act annexed to be united to the Bishopricks named in the Second Column, &c.

XXXIII. Provided always, and be it further enacted, That if any Bishoprick mentioned in the Second Column of the said Schedule

If Bishoprick in Second Column of Schedule (B.) becomes void

before Union of such Bishoprick in First Column, then such Bishop to be Bishop of such Bishoprick.

dule (B.) shall become void before the Union of such Bishoprick with the Bishoprick mentioned in the First Column of the said Schedule, then the Bishop of the Bishoprick mentioned in the First Column shall become, by virtue of this Act, and without further Grant, Installation, or Ceremony whatever, Bishop of the Bishoprick in such Second Column named in conjunction therewith, and shall have and exercise all Powers and Authorities of the Bishop of such united Bishopricks: Provided always, that nothing herein contained shall authorize or empower any Bishop of a Bishoprick mentioned in the First Column of the said Schedule as hereafter to be united to the Dioceses of *Armagh* or of *Dublin*, to become, by virtue of this Act, Archbishop of *Armagh* or of *Dublin*.

Archbishops of Armagh and Dublin empowered to present a Fellow of Trinity College to a Benefice, to be selected as herein mentioned.

XXXIV. Provided also, and be it further enacted, That it shall and may be lawful for the Archbishop of *Armagh* and Archbishop of *Dublin*, and they are hereby required, to select from and out of the Benefices belonging to each of the Bishopricks in the First Column of the said Schedule (B.) mentioned, and now in the Gift or Collation of the respective Bishops thereof, one Benefice not exceeding the annual Value of One thousand Pounds, and to return a List of the several Benefices so selected, under their Episcopal Seals, to the said Lord Lieutenant or other Chief Governor or Governors of *Ireland*, and His Majesty's Privy Council there, for their Approval, and when approved by the said Lord Lieutenant or other Chief Governor or Governors and Council, such List shall be registered in the Rolls Office of His Majesty's Court of Chancery in *Ireland*, together with such Approval; and upon each and every Avoidance of the said Benefices so selected happening from Time to Time after the said Bishopricks to which the same may respectively belong shall have become united to any other Bishopricks by virtue of this Act, it shall and may be lawful for the said Archbishop of *Armagh* and Archbishop of *Dublin* to nominate and present to each such Benefice One of the Fellows or Ex-Fellows of the College of the Holy and Undivided Trinity, near *Dublin*, being in Holy Orders: Provided always, that in case the said Two Archbishops shall not be able to agree in such Nomination and Appointment, or shall decide upon the Person to be appointed to the said vacant Benefice, the first Turn therein to be exercised by the Archbishop of *Armagh*, and if on the Vacancy of any of the said Benefices so selected as aforesaid, the said Archbishop shall not present thereto some such Fellow or Ex-Fellow within such Period as any Patron ought to present to a Benefice in his Gift or Presentation, then and in such Case the Right of Presentation or Collation to such Benefice shall, for that Turn, devolve to the Bishop of the Diocese, and be in all respects subject to the ordinary Law of Lapse: Provided always, that until the said Bishopricks shall have become united to any other Bishopricks under the Provisions of this Act, nothing herein contained shall alter or affect the Right of Presentation or Collation to any of the Benefices so selected as aforesaid, as at present enjoyed or possessed; and provided further, that any Fellow of the said College who shall accept any such Benefice shall vacate his Fellowship at such Time and in such Manner as according to any Statute, Bye Law, or Usage of the said College, Fellowships are vacated

Proviso in case of Disagreement of the Archbishops.

Fellow so elected to vacate his Fellowship.

vacated upon the Acceptance of any Living in the Gift or Disposal of the said College.

XXXV. Provided also, and be it further enacted, That the said Ecclesiastical Commissioners under this Act shall, from and out of the Revenues of each Bishoprick in the First Column mentioned, when and as the same shall become vested in them, make good to the Bishop thereof becoming, by virtue of the Provision herein-before contained, Bishop of the Bishoprick mentioned in conjunction therewith in the Second Column of the said Schedule, the Sum or Sums of Money (if any) whereby the Revenues of such Bishoprick in such Second Column mentioned shall fall short of the Revenues of such Bishoprick in such First Column mentioned.

Commissioners to make good Deficiencies happening to Bishops by the Union of Bishopricks.

XXXVI. Provided nevertheless, and be it enacted, That all and singular the Lands, Tenements, and Hereditaments respectively belonging or in anywise appertaining to the Bishopricks in the First Column of the said Schedule (B.) named, together with all and singular the Tithes, Rents, and Emoluments whatsoever to such Bishopricks respectively appertaining or belonging, shall, in the Case of the said Bishoprick of *Waterford*, from and after the passing of this Act, and in the Case of the other Bishopricks in the said Schedule (B.) mentioned shall, from and after the Times when such Bishopricks shall become respectively void or united to any other Bishoprick as aforesaid, be and the same are hereby transferred to and vested in the said Ecclesiastical Commissioners and their Successors for ever, subject however to all Leases, Rents, Charges, and Incumbrances now or at the Time of such Transfer legally affecting the same, save and except the annual Tax, Rate, or Assessment by this Act authorized to be imposed and levied; and that all the Rents, Revenues, Issues, Profits, and other Emoluments in any Manner arising or accruing to the said Commissioners and their Successors from or out of any of the said Bishopricks shall be received and applied by such Commissioners and their Successors to, for, and upon the several Trusts, Uses, and Purposes in this Act mentioned, and subject to and under the like Rules and Regulations as are herein declared and expressed of and concerning the said annual Tax vested in and made payable to the said Commissioners and their Successors.

Temporalities of Bishopricks in First Column of the said Schedule (B.) vested in the Commissioners under this Act.

XXXVII. And be it further enacted, That all Arrears of Rent and other Temporal Profits and Emoluments which have accrued due for or in respect of the See of *Waterford* since the said Bishoprick of *Waterford* has become void shall by virtue of this Act, and without any Writ of Restitution or other Process whatever, be in like Manner transferred to and vested in the said Commissioners, to, for, and upon the like Trusts, Uses, and Purposes, and subject to the like Rules and Regulations, as aforesaid; and that the said Commissioners shall and they are hereby authorized and empowered, either by Action of Covenant or Debt, or by Action on the Case, as for Use and Occupation, to sue for and recover all and every the Arrears of Rent due, or which shall have accrued or become due since the Death of the said late Bishop of *Waterford*; and that it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered, to distrain for such Arrears and every Part thereof, and shall and may avow generally for the same.

Arrears of Rent, &c. since Death of Bishop of *Waterford* to be recovered by Commissioners.

Commissioners
to pay Sums
charged on
Bishoprick of
Waterford to
Executors of
Deceased.

XXXVIII. And provided also, and be it further enacted, That the said Commissioners shall and they are hereby required and directed to pay and satisfy the Executors or Administrators or Assigns of Doctor *Richard Bourke*, late Bishop of *Waterford*, by such Instalments, to be made in such Manner and at such Periods from and after the passing of this Act, as any Successor to such Bishoprick then appointed would have been bound or liable if any such Successor had been appointed on or before the First Day of *January* One thousand eight hundred and thirty-four, all and every such Sum and Sums of Money which, pursuant to any Law or Statute in force in *Ireland* at the passing of this Act, could or might have been recovered by such Executor or Administrator from or against the Successor of the said late Bishop of *Waterford* in case this Act had not been passed; and provided further, that the said Commissioners shall by such Instalments, to be made in such Manner and at such Periods from and after such respective Vacancies of the other Bishopricks, save and except the Bishopricks of *Ossory* and of *Cork* and *Ross*, named in the First Column of the Schedule (B.) to this Act annexed as aforesaid, or from and after the Annexation thereof to any other Bishoprick under Provisions herein-before contained, as any Successors thereto would have been respectively bound or liable if such Successors had been appointed, pay to and satisfy the Person or Persons, or his or their respective Executors, Administrators, or Assigns, as the Case may be, by whose Promotion or Death such Vacancy shall have occurred or been occasioned, or who shall become the Bishop of any united Bishopricks, all and every such Sum and Sums of Money as by force of any Law or Statute or Usage has or have heretofore been charged upon the said other Bishopricks upon the same becoming void respectively, and which would have been payable to and recoverable by such Persons respectively, or their respective Executors, Administrators, or Assigns, from or against their respective Successors in such Bishopricks, in case this Act had not been made.

Commissioners
may demise See
Houses of
Bishopricks be-
coming vacant.

XXXIX. And be it further enacted, That in the Case of the said Bishoprick of *Waterford* it shall and may be lawful for the said Commissioners from and after the passing of this Act, and in the Case of the other Bishopricks named in the First Column of the Schedule (B.) to this Act annexed, save and except the Bishopricks of *Ossory* and of *Cork* and *Ross*, it shall and may be lawful for such Commissioners at and after such Times as the said Bishopricks shall become respectively vacant, or united to any other Bishoprick or Archbishoprick as aforesaid, and such Commissioners are hereby empowered, by and with the Consent of the Lord Lieutenant or other Chief Governor or Governors in *Ireland*, to be testified in Writing under his or their Hand or Hands, to demise for any Term of Lives or Years, or Lives and Years, with a Covenant to make void the said Demise in case of assigning or subletting, and for such Rent or Fine as shall be specified in and by such Consent as aforesaid, the See House and Offices, and all or any Part of the Mensal or Demesne Lands of or belonging to the said Bishoprick of *Waterford*, or to the said other Bishopricks, save as aforesaid: Provided always, that if the Bishop for the Time being of the Bishoprick to which such Bishoprick of *Waterford*, or such other Bishoprick, save as aforesaid, shall be united by virtue hereof as aforesaid,

aforesaid, do and shall, with and by the like Consent as aforesaid, to be testified as aforesaid, elect and choose the See House of such Bishoprick of *Waterford*, or such other Bishoprick, save as aforesaid, to be and continue for ever to be the See House of such united Bishoprick, it shall not be lawful for the said Commissioners so to demise the said See House and Offices so selected and chosen as aforesaid, nor the Mensal or Demesne Lands thereof or thereto respectively belonging; and in such Case it shall be and become lawful for the said Commissioners, and they are hereby empowered, by and with the like Consent as aforesaid, to be testified as aforesaid, to demise, in like Manner and upon the like Terms as aforesaid, the See House and Offices of the Bishoprick to which such Bishoprick of *Waterford*, or such other Bishoprick, save as aforesaid, shall be united as aforesaid, by virtue of this Act, together with any Part of the Mensal or Demesne Lands thereof or thereto respectively belonging, instead of the See House and Mensal or Demesne Lands of such Bishoprick of *Waterford* or other Bishopricks so respectively becoming vacant, or united to any other Archbishoprick or Bishoprick, save as aforesaid.

XL. Provided always, and be it enacted, That if such Consents as aforesaid be not recited in the respective Deeds of Demise aforesaid, and if the said Deeds of Demise do not contain such Covenant as aforesaid against assigning or subletting, or be not respectively executed by the said Commissioners in the Manner herein-before directed as to the Execution of Deeds by said Commissioners, and the said Bishops of the Bishopricks which shall become united in manner aforesaid, for the Time being respectively, that then the said Demises shall be respectively null and void to all Intent and Purposes whatsoever.

Bishopricks now and to be vacant.

Recitals and Parties necessary to Deeds of Demise of See Houses.

XLII. And be it further enacted, That it shall be lawful for the said Commissioners, when and so soon as the said Bishoprick of *Ossory* and Bishoprick of *Cork* and *Ross* shall be, under the Provisions of this Act, united to the Bishopricks of *Ferns* and *Leighlin* and of *Cloyne* respectively, in like Manner to demise, with the like Consent and subject to the same Covenants as aforesaid, the See Houses and Offices and all or any Part of the Mensal or Demesne Lands of or belonging to the said Bishopricks of *Ferns* and *Leighlin* and of *Cloyne* respectively; and the See Houses and Offices and Mensal or Demesne Lands to the said Bishopricks of *Ossory* and *Cork* and *Ross* respectively belonging shall be and become thereafter the See Houses, Offices, and Mensal or Demesne Lands of such united Bishopricks of *Ossory* and of *Ferns* and *Leighlin* and of *Cork* and *Ross* and of *Cloyne* respectively.

When Bishoprick of *Ossory* and Bishoprick of *Cork* and *Ross* shall be united to *Ferns* and *Leighlin* and to *Cloyne* respectively, the See Houses, &c. of *Ferns* and *Leighlin* and of *Cloyne* shall be sold or exchanged.

XLIII. And be it further enacted, That the Fines arising or to arise from such Demises as aforesaid, together with the Rents to be thereby respectively reserved, shall be applied and disposed of by said Commissioners for the several Purposes, and subject to the like Rules and Regulations, as are herein mentioned with respect to the said annual Tax hereby vested in and made payable to said Commissioners.

Application of Rents and Fines.

XLIII. Provided, and be it further enacted, That all and every the Sum and Sums of Money which, pursuant to any Law or Statute in force in *Ireland*, would or might have become payable by or recoverable against the Successor or Successors in the Bishop-

rick See House by

Notwithstanding Preference of the new See House, the Sums payable in respect of See House by

the Successors
to continue
payable.

rick or Archbishoprick to which any See House and Offices so demised, pursuant to such Choice and Selection as aforesaid, may have theretofore belonged, shall be and become and remain payable by and recoverable against such Successor or Successors therein notwithstanding the Selection or Choice of any other See House under the Provision herein-before contained, and as if such See House so demised had continued to be the See House of such Bishoprick.

Providing for
Payment of the
Liabilities upon
the several
Bishopricks of
Ferns, &c. after
their Union.

XLIV. And be it further enacted, That the said Commissioners shall, by such Instalments, to be made in such Manner and at such Periods from and after the respective Periods when the Bishoprick of *Ferns* and *Leighlin* shall become united to the Bishoprick of *Ossory*, and the Bishoprick of *Cloyne* united to that of *Cork* and *Ross*, as any Successors thereto would have been respectively bound or liable if such Successors had been appointed, pay to the Persons or their Representatives by whose Promotion or Death, or who shall become the Bishops respectively of such united Bishopricks, all and every such Sum or Sums of Money as would have been payable by or recoverable against the several Successors in the said Bishoprick of *Ferns* and *Leighlin* and Bishoprick of *Cloyne* respectively in case this Act had not been passed; and the Bishops of such united Bishopricks of *Ferns* and *Leighlin* and of *Ossory* shall be and become liable to the Payment of all such like Sum or Sums of Money as any Successor or Successors in the said Bishoprick of *Ossory* would have been in case this Act had not been passed; and the Bishops of such united Dioceses of *Cloyne* and of *Cork* and *Ross* shall be and become liable to the Payment of all such like Sum or Sums of Money as any Successor or Successors in the said Bishoprick of *Cork* and *Ross* would have been in case this Act had not been passed: Provided that nothing herein contained shall, in the Event of the now Bishops of *Ossory* and of *Cork* and of *Ross* becoming respectively Bishops of such united Bishopricks, alter or affect the Liabilities to them respectively of their Successors.

Leasing Powers
granted to
Commissioners
with respect to
Bishopricks
vested in them
by the Provi-
sions of this Act.

XLV. And be it further enacted, That the said Commissioners shall have all such and the like Powers of granting, conveying, exchanging, leasing, and demising all or any Part of the Lands, Tenements, and Hereditaments, and Possessions (save and except the See Houses, Offices, and Mensal or Demesne Lands herein-before provided for,) of or belonging or appertaining to the said Bishoprick of *Waterford*, or to the said other Bishopricks in the First Column of the said Schedule mentioned respectively, when the same shall, pursuant to the Provisions of this Act, be respectively vested in the said Commissioners, as the Bishops thereof have respectively heretofore had and enjoyed by virtue of any Law in force at the passing of this Act; and that all and every Act or Acts enabling such Bishops respectively to grant, convey, exchange, lease, or demise such Lands, Tenements, or Hereditaments, and Possessions as aforesaid, or any Part thereof, or disabling or restraining them respectively from so doing, shall apply and be construed to apply and extend to the said Commissioners as if they had been named in such Act or Acts, and as if the Provisions of such Act or Acts had been herein expressly re-enacted, subject always to the Provisions herein-after contained with respect to the
Renewal

Renewal of any Lease or Leases heretofore made of such Lands, Tenements, and Hereditaments, and the Grants of Perpetuities therein.

XLVI. And be it further enacted, That when and as the now Archiepiscopal Sees of *Tuam* and *Cashel* shall become severally void, the Bishops of *Tuam* and *Cashel* shall thenceforth for ever respectively cease to have or exercise Archiepiscopal Jurisdiction within the said Provinces of *Tuam* and *Cashel*; and all such Archiepiscopal Jurisdiction as may have theretofore belonged to and been exercised by the Bishop of *Tuam* shall be transferred to and vested in the Archbishop of *Armagh* for the Time being, and all such Archiepiscopal Jurisdiction as may have theretofore belonged to and been exercised by the Bishop of *Cashel* shall be transferred to and vested in the Archbishop of *Dublin* for the Time being; and the Bishops of *Tuam* and *Cashel* shall, as well as the other Bishops of the said Provinces of *Tuam* and *Cashel*, be subject to the Archiepiscopal Jurisdiction of the said Archbishops of *Armagh* and *Dublin* respectively; and the said Archbishops of *Armagh* and *Dublin*, and their Successors respectively, shall have, use, and exercise, without further Grant, Installation, or Ceremony whatsoever, all and singular the Metropolitan Rights, Privileges, Franchises, Duties, Powers, and Authorities theretofore exercised or which might have been exercised within the said Provinces of *Tuam* and *Cashel* respectively: Provided always, that nothing herein contained shall in any respect abridge or affect the Jurisdiction, Privileges, Rights, or Authority of the Archbishop of *Armagh* as Primate of all *Ireland*.

Archbishopricks of *Cashel* and *Tuam* annexed to *Armagh* and *Dublin* respectively.

XLVII. And be it enacted, That when and so soon as the now Archiepiscopal See of *Tuam* shall become void, the Bishoprick of *Ardagh*, now held therewith, shall be united to and held together with the Bishoprick of *Kilmore*, and that the then Bishop of *Kilmore* shall be and become, by virtue of this Act, and without further Grant, Installation, or Ceremony whatsoever, Bishop of *Ardagh*, and have and exercise all and every the Ecclesiastical Patronages and Jurisdictions in appointing, collating, and presenting to all and every the Dignities, Rectories, Vicarages, Curacies, Chapelries, or other Offices or Promotions, by whatever Name called, known, or described, heretofore lawfully had, used, exercised, and enjoyed by the Archbishop of *Tuam* as Bishop of *Ardagh*, as also the Right of nominating and appointing to all and every the Offices of Chancellor, Vicar General, Official, Principal Registrar, and all other Ecclesiastical Offices of or belonging to the said Bishoprick of *Ardagh*; and His most Excellent Majesty, His Heirs and Successors, shall at all Times thereafter grant, to be held by one and the same Person, the said Bishopricks of *Kilmore* and *Ardagh*, together with such other Bishoprick as shall under the Provisions of this Act be appointed to be held together with such Bishoprick of *Kilmore*.

Bishopricks of *Kilmore* and *Ardagh* united.

XLVIII. Provided always, and be it enacted, That all and singular the Lands, Tenements, and Hereditaments, together with all and singular the Tithes, Rents, and Emoluments, to the said Bishoprick of *Ardagh* appertaining and belonging, shall, from and after the Time when the said now Archiepiscopal See of *Tuam* shall become void as aforesaid, be and the same are hereby transferred to and vested in the said Ecclesiastical Commissioners and their Successors for ever, to and for the like Trusts, Uses, and Purposes, with

Temporalities of *Ardagh* vested in the Commissioners under this Act.

with the like Powers, and subject in all respects to such and the like Charges, Conditions, and Regulations, as herein-before provided in respect of the Bishopricks mentioned in the First Column of the said Schedule (B.) to this Act annexed.

Temporalities
of the Deanery
of Christ
Church to be
deemed Part of
the Tempora-
lities of the
Bishoprick of
Kildare.

XLIX. And be it enacted, That all and singular the Lands, Tenements, and Hereditaments, with all and singular the Tithes, Rents, and Emoluments whatsoever, appertaining or belonging to the Preceptory of *Tully* or Deanery of *Christ Church*, heretofore held and enjoyed in *commendam* or otherwise by the Bishop of *Kildare* for the Time being, as Dean of *Christ Church*, or by whatever other Title, shall be deemed and taken to be, for the Purposes of this Act, Part of the Lands, Tenements, and Hereditaments, Tithes, Rents, and Emoluments, appertaining and belonging to the said Bishoprick of *Kildare*, and be in like Manner and Time transferred to and vested in the said Ecclesiastical Commissioners and their Successors, and in all respects subject to such and the like Provisions.

Dean of St.
Patrick's to be
Dean of Christ
Church.

L. And be it further enacted, That the said Deanery of *Christ Church* shall, from and after the next Avoidance thereof, be united to and held together with the Deanery of *Saint Patrick's*; and that the then Dean of the Cathedral of *Saint Patrick's* in the Archdiocese of *Dublin* shall, and his Successor for ever shall be and become, by virtue of this Act, and without further Grant, Installation, Election, or other Ceremony whatsoever, Dean and Deans of *Christ Church* for ever, and have and exercise all and every the Rights, Privileges, Jurisdiction, and Authority appertaining to the said Deanery of *Christ Church*, heretofore lawfully had, used, and enjoyed by the Deans thereof: Provided nevertheless, that all and every the Ecclesiastical Patronage in appointing or presenting to Benefices now belonging, in his sole and separate Right, to the Dean of *Christ Church*, shall, from and after the next Avoidance of such Deanery, vest in and be exercised by the Archbishop of *Dublin* and his Successors for ever.

Patronage of
Dean of Christ
Church to vest
in Archbishop
of Dublin.

Rotation of
Archbishops
sitting in Par-
liament.

39 & 40 G. 3.
c. 67.

LI. ' And whereas an Act was passed in the Parliament of *Ireland* in the Fortieth Year of the Reign of His Majesty King *George* the Third, intituled *An Act to regulate the Mode by which the Lords Spiritual and Temporal, and the Commons, to serve in the United Kingdom on the Part of Ireland, shall be summoned and returned to the said Parliament*; and the said Act of the Parliament of *Ireland* was incorporated into and made Part of an Act passed in the Parliament of *England* in the same Year, intituled *An Act for the Union of Great Britain and Ireland*; and by force of the said Two Acts the Right of sitting in the House of Lords of the United Parliament, as between the Lords Spiritual of *Ireland*, stands regulated according to a certain Rotation by the said Acts appointed to take place among the Archiepiscopal Sees, from Session to Session, and according to another like Rotation appointed to take place among the Episcopal Sees: And whereas the Enactments herein-before made for reducing the Number of the Archiepiscopal Sees in *Ireland*, and for the Union of certain of the Episcopal Sees, render it necessary to make Provision so as to accommodate the said Rotation to such Enactments,' be it therefore enacted, That when and as the now Archiepiscopal Sees of *Cashel* and *Tuam* shall severally become void, they and each of them

them respectively shall thenceforth cease to be included in the Rotation by the said Acts established amongst the Archiepiscopal Sees, and shall be included in the Rotation by the said Acts established to be observed amongst the Episcopal Sees, and therein take place next before the Episcopal See last in the Order of Rotation of the Episcopal Sees the Bishops whereof may have sat in Parliament for the Session last previous; and the Rotation by the said Acts appointed to take place amongst the Archiepiscopal Sees shall, in case of each such Avoidance as aforesaid, proceed to the Archbishop whose See is next in Rotation to the Archiepiscopal See becoming void as aforesaid.

LII. And be it further enacted, That in the Case of the Bishoprick of *Waterford*, now void, and in the Case of each and singular of the other Bishopricks named in the First Column of the Schedule to this Act annexed, when and as they shall become respectively void, or united to any other Bishoprick, the Rotation by the said recited Acts appointed to take place among the Episcopal Sees shall proceed to the Bishop whose See is next in Rotation to the said See of *Waterford* or other See being or becoming void, or united to any other Bishoprick as aforesaid; and such See of *Waterford*, or other See being or becoming void, or united to any other Bishoprick as aforesaid, shall for ever thereafter be excluded from and omitted out of such Rotation.

Rotation of
Bishops.

LIII. Provided always, and be it enacted, That, save as herein specifically provided, the Order of Rotation by the said recited Acts established shall remain unchanged, but subject always to the Regulation thereby made in case any Spiritual Lord should be a Temporal Peer of the United Kingdom, or being a Temporal Peer of that Part of the United Kingdom called *Ireland* should be chosen by the Lords Temporal to be one of the Representatives of the Lords Temporal.

Saving of former
Provisions.

LIV. ' And whereas the Revenues of the Archbishoprick of *Armagh* and the Bishoprick of *Derry* have increased in such Manner that, without affecting the just and competent Support of the said Dignities, a Portion thereof may be beneficially applied for the other Purposes of the Established Church in *Ireland*, in manner herein-after mentioned; ' be it therefore further enacted, That when and so soon as the said Archbishoprick of *Armagh* shall become void, the Successor thereto, and his Successors for ever, Archbishops of *Armagh*, shall, from and out of the Revenues of the said Archbishoprick, pay over to the said Commissioners under this Act the annual Sum of Four thousand and five hundred Pounds, the same to be paid by Two equal Payments on each First Day of *July* and First Day of *January* in every Year, the first Payment or Amount of such annual Tax to be made on the First Day of *July* or First Day of *January*, as may happen, after the first half-yearly Payment of the Revenue of such Archbishoprick of *Armagh* shall have become due and payable to such Successor of the now Archbishop of *Armagh*; and that the now Bishop of *Derry*, having freely assented thereunto, shall, from and out of the Revenues of the said Bishoprick, pay over to the said Commissioners under this Act the annual Sum of Four thousand and one hundred and sixty Pounds; and when and so soon as the said Bishoprick of *Derry*

Revenues of
Armagh and
Derry reduced.

Derry shall become void, the Successor thereto, and his Successors for ever Bishops of *Derry*, shall, from and out of the Revenues of the said Bishoprick, pay over to the said Commissioners under this Act the annual Sum of Six thousand one hundred and sixty Pounds, the same to be paid by Two equal Payments on each First Day of *July* and First Day of *January* in every Year, the first Payment thereof to be made on the First Day of *January* in the Year One thousand eight hundred and thirty-four; and the Sums so from Time to Time to be paid to the said Commissioners by the said Archbishops of *Armagh* and Bishops of *Derry* shall be applied to such and the like Purposes as the Proceeds of said Tax hereby vested in the said Commissioners and the Revenue of such Bishopricks so to be united with other Bishopricks, and under like Rules and Regulations.

Bishops of *Derry* and *Armagh* exempted from annual Tax in respect of Sums paid by them.

LV. Provided always, and be it enacted, That the now Bishop of *Derry* and his Successors, and the Successors of the now Archbishop of *Armagh*, shall not be liable, in respect of the said Sums so by them to be respectively paid to the said Commissioners, to be rated, taxed, or assessed in or to the annual Tax herein-before appointed to be imposed or levied; any thing herein-before contained to the contrary notwithstanding.

Commissioners may recover Arrears by Sequestration.

LVI. And be it enacted, That if at any Time the said Sums hereby directed to be paid by the said Archbishop or Bishop shall be in arrear and unpaid for Six Months next after the same shall have become due and payable as aforesaid, it shall be lawful for the said Commissioners to recover the same by Process of Sequestration, to be applied for and issued in like Manner as herein-before directed in case any Archbishop or Bishop shall fail to make Payment of the annual Rate, Tax, or Assessment by this Act authorized to be imposed and levied, and subject in all respects to such and the like Provisions.

Payments to be made during Vacancies of Sees.

LVII. And be it enacted, That while and so long as the Temporalities of the said Archbishoprick and Bishoprick respectively shall at any Time be in the Custody of His most Excellent Majesty, His Heirs and Successors, the said annual Payments shall be made to the said Commissioners in like Manner as the same are hereby directed to be made by the Archbishop or Bishop thereof respectively while the said Sees are full.

Sums now due to Trustees of First Fruits on certain Accounts vested in Commissioners hereof.

LVIII. And be it further enacted, That all and every Sum and Sums of Money due and payable at the passing of this Act by any Archdeacon, Dean, Prebendary, Master, Warden, Incumbent, Perpetual Curate, Parson, Vicar, or other Spiritual Person, by whatever Name called, known, or described, on account of First Fruits and Arrears thereof, and any Sum or Sums at any Time heretofore lent and advanced by, and now payable or hereafter to become payable, pursuant to the Laws in force in *Ireland*, to the Trustees and Commissioners of the First Fruits in *Ireland*, for purchasing, building, rebuilding, improving, repairing, or enlarging Glebe or other Houses or Offices, shall, from and after the passing of this Act, be and the same and every Part thereof are hereby vested in and transferred and made payable to the Commissioners under this Act, and their Successors, to be by them applied and disposed of to, for, and upon the Purposes of this Act hereafter mentioned, and subject

subject to the like Rules and Regulations as are herein mentioned, as to the Proceeds of the said annual Tax hereby vested in the said Commissioners.

LIX. And be it further enacted, That all and every the Sums of Money so actually due on account of First Fruits and Arrears thereof, and all and every Sum and Sums so lent and advanced as aforesaid for building, rebuilding, improving, enlarging, or repairing Glebe or other Houses and Offices, and which are or shall become due and payable as aforesaid, and all and every Sum or Sums of Money due or to become due on any Account whatever to the said Trustees and Commissioners of First Fruits in *Ireland*, other than the Sums by this Act remitted, shall and may be sued for and recovered and levied, by or under the Directions of the Commissioners of this Act and their Successors, and in their Name as aforesaid, by the same Ways, Means, Remedies, and Processes, and at the Times, as the same might have been respectively sued for and recovered and levied by or for the said Trustees and Commissioners of First Fruits in *Ireland* if this Act had not been passed; and that all the Powers, Remedies, and Authorities given or mentioned in any Act or Acts of Parliament, or otherwise provided or allowed by Law, for the Recovery thereof respectively, shall, until all and every such Sum and Sums shall be recovered and paid as aforesaid, continue and be in full Force and Effect as if the same were herein re-enacted, and as if the Commissioners of this Act had been named in every such Act or Acts, or in any Bond or Bonds or other Securities therein respectively mentioned, and in pursuance thereof respectively executed and entered into, instead of the Trustees and Commissioners of the First Fruits in *Ireland*.

Sums so due may be sued for and recovered, as by said Trustees, in Name of and by Commissioners.

LX. And be it further enacted, That all and every Sum and Sums of Money and Property of every Kind and Description, and Securities for Money, belonging to and now in the Hands or Possession of or at the Disposal of the Trustees and Commissioners of First Fruits in *Ireland*, or any of their Officers, on account of the First Fruits, or on account of any Gift, Grant, or Loan from the Commissioners of the Treasury in pursuance of any Act of Parliament heretofore made, or on any other Account, shall, from and after the passing of this Act, be forthwith, and the same and every of them are hereby directed to be paid over and transferred to, and are hereby to all Intents and Purposes vested in, the said Commissioners under this Act and their Successors for ever, subject nevertheless, in the first place, to all Grants and subsisting Contracts made by the said Board of First Fruits before the passing of this Act, to be by them applied and disposed of to and for the several Purposes of this Act as herein-after mentioned, and subject to the like Rules and Regulations as hereafter mentioned with respect to the said annual Tax hereby vested in the said Commissioners.

Monies now in Hands of said Trustees or Officers vested in Commissioners.

LXI. And whereas the several Sums respectively bequeathed by Doctor *Hugh Boulter* and Doctor *Richard Robinson*, formerly Lord Archbishops of *Armagh*, towards buying of Glebes and augmenting poor Livings in *Ireland*, were and are vested in the said Trustees and Commissioners of First Fruits in *Ireland* for the Purposes aforesaid; be it therefore enacted, That the same and all the Proceeds thereof, or so much thereof as remains unapplied to the aforesaid Purposes, and the Funds, Parliamentary or otherwise,

Primate Boulter's and Robinson's Charities to be vested in Commissioners, and kept distinct.

wise,

wise, Lands, Estates, and Mortgages or other Securities wherein the same or any Part thereof have been laid out or invested, shall be and the same are hereby transferred to, vested in, and made payable to the Commissioners under this Act appointed, and their Successors for ever, to be by them kept distinct from all other Funds, and applied and disposed of, immediately from and after the passing of this Act, towards the Payment of such annual Salaries, save as herein-after excepted, as may have been heretofore lawfully granted by the said Trustees and Commissioners of First Fruits to any Incumbent, Curate, or Minister for the Augmentation of any Benefice, Living, or Curacy, and towards buying of Glebes and augmenting poor Livings in *Ireland*, and to no other Purposes, but in the Manner and subject and according to the Regulations and Directions hereafter mentioned and appointed with respect to the other Funds to be applied for such Purposes.

Commissioners
to put Monies
out at Interest.

LXII. And be it further enacted, That the said Commissioners under this Act are hereby authorized and empowered from Time to Time, at their Discretion, to lay out at Interest all or any Part of such Monies as shall at any Time hereafter, by or under the Provisions of this Act, come to or be in their Hands or at their Disposal, in the Purchase of Government or Parliamentary Funds, Stocks, or Securities, and no other, either in *England* or *Ireland*, and from Time to Time change, transfer, or sell out such Stocks, Funds, or Securities, or any Part thereof, as they may find necessary or convenient.

Application of
all Monies and
Funds;

LXIII. And be it further enacted, That all and every the Rents, Issues, and Profits of all Lands, Tenements, or Hereditaments, and the said annual Tax and the Proceeds thereof, and all and every Sum and Sums of Money and Securities for Money, vested in or which shall accrue to or in any Manner come into or be in the Hands, Power, Custody, or Possession, or at the Disposal of the said Commissioners and their Successors, under and by virtue of this Act, and all Interest, Dividends, Profits, and Proceeds thereof, or any Part thereof, (save and except the Properties and Funds respectively bequeathed by Doctor *Hugh Boulter* and Doctor *Richard Robinson*, and heretofore vested in the said Trustees and Commissioners of First Fruits in *Ireland* as herein-before mentioned, and the Interest, Dividends, and Proceeds thereof respectively, and also save and except such other Funds and Properties as may be hereafter bequeathed to or vested in the said Commissioners under this Act, and their Successors, for any special Purposes,) shall be and the same are hereby declared to be applicable, and shall be applied in the Manner and for the Purposes following; (that is to say,) for the providing, in such Manner and Proportions, and subject to such Regulations, as the said Commissioners shall deem fitting, Things necessary for the Celebration of Divine Service in the Church or Chapel of every Parish, Union, Perpetual Curacy, or Chapelry, or Chapel of Ease in *Ireland*, as required and authorized by any Rubric or Canon in force in *England* or *Ireland*, and also for the Payment of the Salaries for Maintenance of the Parish Clerks or Sextons, or the Clerks or Sextons of any Chapelry or Chapel of Ease, and also for defraying such Expences of building, rebuilding, enlarging, or repairing any Church or Chapel, or fencing and maintaining any Churchyard as aforesaid, as have been
here-

Exception.

heretofore defrayed by Vestry Assessment in *Ireland*, and also for supplying such Parts or Proportions of the Expences of providing for the said several Matters aforesaid, and for putting into and keeping in repair Cathedral and Parochial Churches, as the said Commissioners are hereafter directed to contribute for such Purposes: Provided always, that in future such Parish Clerk or Sexton shall and may be appointed by the Minister, and by him removable, with the Consent of the Bishop, for any Misconduct.

LXIV. And be it further enacted, That in all Cases where, under and by virtue of an Act made in the Twenty-first Year of the Reign of the King George the Second, intituled *An Act for disappropriating Benefices belonging to Deans, Archdeacons, Dignitaries, and other Members of Cathedral Churches, and for appropriating others in their Stead, and also for the Removal of the Sites of ruined Cathedral Churches*, any Parochial Church shall have been or shall be made, or shall have become by Usage or Custom, Cathedral and Parochial, and in all Cases where, under and by virtue of an Act made in the Parliament of *Ireland* in the Thirty-ninth Year of the Reign of King George the Third, intituled *An Act for the repairing of Cathedral Churches in Cases where the Parish Churches have been long in Ruins*, any Cathedral Church shall have been or shall be made use of as a Parish Church, it shall and may be lawful for the said Commissioners, and they are hereby required, to contribute to the Repairs of such Cathedral and Parochial Churches, in such Proportion as has been agreed upon by and between the Dean and Chapter, or Chapter, of such Cathedral Church, and by the Protestant Inhabitants of the Parish or Union in which such Church is situate, that the Inhabitants thereof should contribute to the rebuilding, enlarging, and putting into and keeping in repair of such Cathedral and Parochial Churches; and if it shall happen that no such Agreement as aforesaid shall have been made by and between the Parties aforesaid, it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, and the Privy Council thereof, upon the Petition of the Dean and Chapter or of the said Commissioners, finally to adjust and ascertain the Proportions in which such Deans and Chapters, or Chapters, and said Commissioners shall so respectively contribute for the Purposes aforesaid; and the Sums necessary and sufficient for such Purposes shall be from Time to Time apportioned and paid accordingly by the said Deans and Chapters, or Chapters, and said Commissioners respectively, subject however to the Regulations hereafter mentioned with respect to Monies to be expended in such Purposes.

Commissioners shall contribute to re-building and repairing Cathedral and Parochial Churches.
21 G. 2. (I.)

39 G. 3. (I.)

LXV. And be it further enacted, That from and after the Commencement of this Act, and save as herein-after provided, so much and such Parts of an Act made in the Parliament of the United Kingdom in the Seventh Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to consolidate and amend the Laws which regulate the Levy and Application of Church Rates and Parish Cesses, and the Election of Churchwardens and the Maintenance of Parish Clerks*, in *Ireland*, as herein-after mentioned, shall be and the same are hereby repealed; (that is to say,) so much and such Parts of the said Act as authorize and enable the Archbishop or Bishop of any Diocese wherein any Church which

Certain Parts of 7 G. 4. c. 72. repealed.

shall be made Cathedral and Parochial, or any Cathedral Church which shall have been made use of as a Parish Church, under the said recited Acts made in the Twenty-first Year of King *George* the Second, or the Thirty-ninth Year of King *George* the Third, is situate, to adjust and ascertain the Proportions in which the Deans and Chapters and Inhabitants shall respectively contribute as aforesaid to the rebuilding, enlarging, or keeping in repair of such Churches; and also so much and such Parts of the said Act as authorize the making or levying of any Church Rate or Parish Cess or Assessment for any of the following Purposes, namely, the building, rebuilding, enlarging, or repairing of the Church or Chapel of any Parish, Union of Parishes, or Chapelry, or of any Cathedral and Parochial Church, or Cathedral made use of as a Parish Church, the providing Things necessary for the Celebration of Divine Service therein or in any of them, as required and authorized by any Rubric or Canon in force in *England* or *Ireland*, the providing a Salary for the Maintenance of any Parish Clerk or Sexton, or the Clerk of any Chapelry or Chapel of Ease, or the defraying of the Expences of such building, rebuilding, enlarging, or repairing, or other necessary Charges, or any of them, or the taking of any other Proceedings in relation to such Rate, Cess, or Assessment, for any of the foregoing Purposes; and from and after the Commencement of this Act it shall not be lawful for any Vestry called or holden in or for any Parish, Union, or Chapelry, or Place in *Ireland*, or for any Person or Persons, to make or levy any Rate or Assessment for any Church Purposes whatsoever; but all such Rates or Assessments upon any Parish, Union, Chapelry, or Place, or the Inhabitants thereof or any of them, for any of the said Purposes, and all Proceedings for the making, assessing, applotting, or levying the same, shall, from and after the Commencement of this Act, wholly cease and determine; any Law, Custom, or Usage to the contrary notwithstanding: Provided always, that every Rate, Assessment, or Applotment for any Church Purpose whatsoever shall be and shall be deemed to be by all Courts of Justice totally void as to so much thereof as provides for the aforesaid Church Purposes or any of them, any thing in the said Act of the Seventh of *George* the Fourth to the contrary notwithstanding; provided that nothing herein contained shall be deemed, taken, or construed to make void the said Rate or Assessment as to so much thereof as shall have been assessed or applotted for any other Purposes.

Loans by
Board of First
Fruits for build-
ing Churches
remitted.

LXVI. And be it further enacted, That from and after the Commencement of this Act it shall not be lawful to make, applot, or levy any Rate or Assessment in any Parish, Union, Chapelry, or Place, for the Purpose of repaying, by Instalments or otherwise, any Loan or Loans heretofore made by the Trustees and Commissioners of the First Fruits of Ecclesiastical Benefices in *Ireland*, for the Purpose of building, rebuilding, enlarging, or repairing the Church or Chapel of any such Parish, Union, Chapelry, or Place, but that all Sums so lent and advanced and remaining unpaid shall be and the same are hereby remitted and discharged; and all Obligations to the King's Majesty or otherwise, in the Nature of collateral Securities, for the Repayment of such Advances, shall be deemed and taken to be satisfied; provided that nothing herein contained

contained shall affect or repeal any Provision contained in any Act or Acts heretofore made in order to enforce the due Application of any Sum or Sums of Money so advanced, or the refunding thereof if not so applied.

LXVII. And be it further enacted, That from and after the Commencement of this Act the Incumbent, or, in his Absence, the officiating Curate or Minister officiating as Curate of every Parish, Union, or Chapelry, or Perpetual Curacy, in *Ireland*, and the Dean and Chapter, or Chapter, of every such Cathedral and Parochial Church, or Cathedral used as a Parish Church, in *Ireland*, shall and he and they are hereby required, on or before the First Day of *November* in this present Year, and on or before the First Day of *June* in each and every succeeding Year, to prepare or cause to be prepared an Estimate of such Sum or Sums of Money as will be necessary, according to his or their Belief, for the ordinary Repairs of the Church or Chapel of such Parish, Union, Chapelry, or Perpetual Curacy, or of such Cathedral and Parochial Church, or Cathedral used as aforesaid respectively, for the ensuing Year, and for providing Things necessary for the Celebration of Divine Service in every such Church or Chapel of any such Parish, Union, Chapelry, or Perpetual Curacy, for such ensuing Year, which Estimate shall contain the several Items and Particulars of all the Matters and Things for which such Sum or Sums shall or may be required necessary for such Church or Chapel; and such Estimate shall be transmitted by such Person or Persons whose Duty it is to prepare the same to the Ordinary of the Diocese on or before the First Day of *December* in this present Year, and on or before the First Day of *July* in each and every succeeding Year, together with a Certificate under the Hand or Hands of such Person or Persons, stating that according to his or their Belief the several Matters and Things contained in such Estimate are or will be necessary or proper to be done or executed or provided for the Use of or in the Church or Chapel of such Parish, Union, Chapelry, or Perpetual Curacy, or such Cathedral and Parochial Church, or Cathedral used as aforesaid, as the Case may be, and that the Charges for the same and every of them as contained in such Estimate are reasonable and proper Charges: Provided always, that such Estimate, except in the Case of Cathedral Churches, before it be sent to the Ordinary of the Diocese, shall be first approved of by the Rural Dean of the Deanery in which the Church or Chapel to which such Estimate shall relate shall be locally situate, which Approval shall be certified by Signature affixed to such Estimate.

Yearly Estimate of Expenses to be transmitted to Ordinary.

LXVIII. And be it further enacted, That upon the Receipt of such Estimate and Certificate as aforesaid the Archbishop, Bishop, or other Ordinary of the Diocese wherein such Church or Chapel shall be situate, or in case of the Illness or Absence from *Ireland* of such Archbishop, Bishop, or other Ordinary, or during the Vacancy of the See, then that the Vicar General of such Diocese shall and he and they are hereby required, when such Estimate shall have been approved of by him, to signify his Approbation thereof by certifying such Approbation at the Foot of such Estimate, and to transmit such Estimate, with such Certificate of Approbation thereof, to the said Commissioners, who are hereby required to take

Bishop or Ordinary to certify.

Commissioners
to grant such
Sum as they
may think fit.

the same into their Consideration; and they are hereby authorized and required to grant the Amount required by such Estimate and Certificate for the Purposes aforesaid, or any of them, or such lesser Sum as they in their Discretion shall think fit, and to issue and pay the same to such Person or Persons, in such Manner, and subject to such Regulations as they shall think fit.

Payment of
Clerks Salaries.

LXIX. And be it further enacted, That the said Commissioners shall pay or cause to be paid on the First Day of *September* in each Year, in such Manner as they shall think fit, for the Maintenance of all and every the Person or Persons who at the passing of this Act shall be Clerk or Clerks of any Parish, Union, or Chapelry, or of any Chapel of Ease, (not being within the County of the City of *Dublin* or the Suburbs thereof,) in which there shall be a Church or Chapel fit for the Celebration of Divine Service according to the Rites and Ceremonies of the United Churches of *England* and *Ireland*, the following Salaries, so long as such Person or Persons shall be and continue to be such Clerk or Clerks as aforesaid; that is to say, for the Clerk of every such Parish in the Church or Chapel whereof there shall be Divine Service usually celebrated on *Sundays* and Festival Days and also on Two common Days at least in the Week, a Sum not exceeding Twenty Pounds nor less than Ten Pounds, and in all other Cases a Sum not exceeding Ten Pounds nor less than Five Pounds, as and for the Maintenance and Maintenances of every such Clerk respectively for the Year next ensuing, and in satisfaction and lieu of all other Fees, Dues, and Allowances whatever alleged or claimed to be payable to such Parish Clerk under any Usage or Custom.

Salaries of
Clerks to be
hereafter ap-
pointed.

LXX. And be it enacted, That the said Commissioners are hereby authorized and required to grant any Sum or Sums, not exceeding the Sums of Twenty Pounds and Ten Pounds respectively above mentioned, which they in their Discretion shall think fit, as and for the Maintenance of any Person or Persons who shall from and after the passing of this Act be appointed to the Office of such Clerk or Clerks of such Churches or Chapels as aforesaid, and which Salary shall also be in lieu and satisfaction of all other Fees, Dues, and Allowances whatever alleged or claimed to be payable to such Clerk under any Usage or Custom.

Commissioners
may advance
Money for
extraordinary
Repairs, &c.

LXXI. And be it further enacted, That if any Church or Chapel of any Parish, or any such Cathedral and Parochial Church, or Cathedral used as a Parish Church, shall, by reason of any accidental Injury or other unforeseen Event, be in immediate Want of any extraordinary Repairs or rebuilding or Expenditure thereon, or if it should become necessary to enlarge any such Church or Chapel, the said Commissioners appointed under this Act, upon the Application of such Dean and Chapter, or Chapter, or of the Incumbent, or in his Absence of the officiating Curate or Minister of such Parish, approved by the Ordinary of the Diocese, shall and may pay and apply such Sum or Sums of Money as they shall think fit and necessary, or as by the Provisions of this Act they are bound to contribute with respect to any such Cathedral and Parochial Church, or Cathedral used as aforesaid, in making or executing such extraordinary Repairs, or rebuilding or enlarging of any such Church or Chapel, or such Cathedral and Parochial Church, or Cathedral used as aforesaid.

LXXII. And

LXXII. And be it further enacted, That if any Church, Chapel, or other Building used for Religious Worship according to the Usage of the United Church of *England* and *Ireland* shall be maliciously or wantonly demolished, pulled down, burned, or set fire to, or in any Manner maliciously or wantonly injured or damaged, it shall and may be lawful for the said Ecclesiastical Commissioners, or any Person or Persons to be by them deputed in that Behalf, by Writing under their Common Seal, to sue for and recover Satisfaction and Amends for such malicious or wanton Demolition, Burning, Firing, or Injury or Damage as aforesaid, at the next Assizes to be held for the County in which such Church, Chapel, or other Building may be situate, or if in the County of *Dublin*, at the next Presenting Term, or if in the City of *Dublin*, at the next Quarter Sessions for the said City, by exhibiting to the Judge or Judges of Assize, or to the Court of King's Bench for the said County of *Dublin*, or to the Recorder of the City of *Dublin* if at such Quarter Sessions, a Petition, praying such Satisfaction and Amends as aforesaid, and therein setting forth particularly the Injury or Damage done or committed, and the particular Amount and Nature thereof, by what Number of Persons such Injury or Damage was done or committed, and the Names or Descriptions of such Offenders, so far as the same shall be known to the Petitioners; and the Matter of such Petition shall be inquired into by such Judge or Judges of Assize, or Court of King's Bench, or Recorder, in open Court, in the Presence of the Grand Jury impannelled and sworn at such Assizes or Presenting Term or Sessions, on the Oath of such Person or Persons as may be produced to testify as to the same; and if on Consideration of the Matter such Judge or Judges of Assize, or Recorder, shall be of opinion that such Demolition, Burning, Firing, or other Injury or Damage was wantonly or maliciously done, such Judge or Judges shall inquire into the Amount of such Injury or Damage done or committed as aforesaid; and the said Grand Jury shall thereupon, and they are hereby required, pursuant to the Directions of such Judge or Judges, Court of King's Bench, or Recorder as aforesaid, to present such Sum or Sums of Money as shall appear to be the Amount of the Injury or Damage committed as aforesaid to be raised either on the County, County of a City or Town, Barony, Town or Towns, Parish or Parishes, in or near which such Offence shall have been committed, and in such Proportions as they shall think fit; which Sum or Sums so presented as aforesaid shall be apportioned, levied, and raised by such Ways and Means and in such Form or Manner as other public Money presented at the said Assizes, or Presenting Term, or Sessions; and such Monies shall be paid to the said Commissioners, or to the Person or Persons by them deputed as aforesaid, and be by such Commissioners applied to rebuild or repair such Church, Chapel, or other Building, and be for such Purpose expended by such Person or Persons in such Manner and subject to such Regulations and Security for the due Application thereof as they shall think fit: Provided that if any Person or Persons shall find himself, herself, or themselves aggrieved by any Presentment to be made in pursuance of this Act, such Person or Persons, in case the Sum so presented do exceed the Sum of Five Pounds, shall or may, at the said Assizes, or Presenting Term, or Sessions,

Judge or Judges of Assize, &c. may grant Compensation for malicious Injury or Damage to Churches, to be levied by Grand Jury Presentment.

Traverse of Presentment above 5*l.* to be tried at same or next Assizes.

traverse the same; which Traverse shall be tried at the same or next ensuing Assizes, Presenting Term, or Sessions, as the Judge or Judges who shall allow the same shall think fit; and if on such Traverse the Issue shall be found for the Traverser, such Presentment shall be discharged, otherwise the same shall be final and conclusive to all Persons; and in case the said Issue shall be found against the Traverser, it shall and may be lawful to and for the Judge before whom the same shall be tried, in case he shall see fit, to award the Costs thereof to be paid by the Traverser, to be taxed and certified by the Clerk of the Crown, the Payment whereof may be enforced, if necessary, by a summary Order of His Majesty's Court of King's Bench in *Ireland*: Provided always, that the said Commissioners, or the Person or Persons by them deputed as aforesaid, or the Rector, Curate, or other officiating Minister, or, in case of Vacancy of the Benefice, any Two Inhabitants of the Parish, within Thirty Days after such Offence shall have been committed, shall give Notice thereof to the High Constable of the Barony and to the Churchwardens of the Parish where such Offence shall have been committed (if such High Constable or Churchwardens shall respectively reside within such Barony and Parish), who are hereby required forthwith to publish the same within such Barony and Parish; and if such High Constable or Churchwardens shall not reside therein as aforesaid, then such Notice shall be given to some Two Inhabitants of such Barony or Parish.

Notice thereof to be given within Ten Days after Offence committed.

Any Provision heretofore made by Vestry Assessment for Maintenance of Curates, &c. shall cease, and Commissioners shall provide for same.

LXXIII. And be it further enacted, That in all Parishes and Places where, by virtue of any Law, Statute, or Custom, Provision may heretofore have been made, by Vestry or other Assessment, for the Maintenance of any Curate, Lecturer, Clerk, or other Minister or Assistant in the Celebration of Divine Worship, or Attendant or Sexton, such Provision by Vestry or other Assessment shall from and after the passing of this Act wholly cease and determine; and it shall and may be lawful for the said Commissioners under this Act, by and out of the Proceeds of the said annual Tax, and the other Funds as aforesaid by this Act vested in them, to provide for all such Purposes in such Manner and Proportions as to them shall seem fitting.

Expenditure of such Money to be controuled by Commissioners.

LXXIV. Provided always, That it shall be lawful for the said Commissioners, and they are hereby authorized, to appoint such Sum or Sums of Money to be expended under such Rules and Regulations, and Security for ensuring the due Application thereof, as they in their Discretion shall think fit.

Accounts to be furnished to Commissioners.

LXXV. And be it further enacted, That every such Incumbent, Dean and Chapter, or Chapter, or other Person or Persons who shall have received from the said Commissioners any Sum or Sums of Money for any of the Purposes herein-before mentioned, shall, within One Year from the Receipt of such Sum or Sums of Money, return and transmit to the said Commissioners a full Statement and Account of the Expenditure of such Sum or Sums of Money, and shall, if required by the said Commissioners, verify the Truth thereof upon Oath, which Oath any Vicar General, Surrogate, Justice of the Peace, Master or Master Extraordinary in Chancery, is and are respectively hereby empowered and required to administer.

LXXVI. And

LXXVI. And be it enacted, That it shall be lawful for the said Commissioners to sue for any Part of any Sum or Sums of Money granted for any of the Purposes aforesaid which may be unapplied or not duly accounted for as herein directed, or any Surplus thereof after the Execution of the said Purposes, by Civil Bill before the Assistant Barrister of the County wherein such Church and Parochial Church or Cathedral used as aforesaid in respect whereof the same may be due shall be situate, provided that such Sum sued for by such Civil Bill shall not exceed the Sum of Fifty Pounds, and if the same shall exceed the Sum of Fifty Pounds, then by Action in any of His Majesty's superior Courts in *Ireland*: And provided further, that if the Person retaining the same or not duly accounting shall be possessed of any Ecclesiastical Benefice or other Ecclesiastical Emolument, then the said Commissioners shall take Proceedings to recover the same by Process of Sequestration, which Sequestration shall be applied for and issued on the Certificate of the said Commissioners, in the Manner and subject to the Regulations herein-before directed as to Sequestrations in any other Case to be applied for by the said Commissioners.

Commissioners may sue for Money unaccounted for or unapplied.

LXXVII. And be it further enacted, That when and so soon as in any Year the said Commissioners shall have in their Hands any Surplus or Balance, after due Provision shall have been made for the several Objects and Purposes herein-before mentioned, and not sooner, it shall and may be lawful for the said Commissioners to apply and dispose of such Surplus, or any Part thereof, in such Proportions as to the said Commissioners shall seem fit, for all or any of the Objects herein-after mentioned.

Commissioners may apply surplus Monies.

LXXVIII. And be it enacted, That it shall and may be lawful for the said Commissioners to advance or apply, out of the said surplus Fund and Monies at their Disposal as aforesaid, such Sum or Sums as they shall think fit for the Purpose of building Churches or Chapels of Ease in any Parish or Place in *Ireland*, provided that an Application in Writing shall be made to such Commissioners, through the Bishop of the Diocese, for such Purpose, by at least Twenty of the Inhabitants of such Parish or Place, accompanied by a Plan and Estimate of the Expence of building such Church or Chapel of Ease, and that such Application shall signify the Willingness of the Persons making the same to contribute or procure to be contributed, in such Proportions as may have been mutually agreed upon by them, a Sum not less than One Fifth of the whole Expence as stated in such Estimate, for the Purpose of building such Church or Chapel of Ease; and provided further, that before any Advance for such Purpose shall be made by said Commissioners the several Sums so subscribed or contributed shall be respectively paid or secured to be paid to the said Commissioners, in such Manner as the said Commissioners shall appoint and require, and that for such Purpose the said Commissioners shall and they are hereby enabled to take such Personal or Real Security as to them shall seem proper or necessary; and provided further, that such Commissioners may employ an Architect chosen by themselves to execute such Building, and subject to such Regulations as such Commissioners shall think fit; and provided that if such Sum or Sums of Money shall be paid by Instalments, the last Instalment shall be at least One Fourth Part of the whole Sum granted for such Purpose, and that such Instalment shall not be paid until the said

Commissioners may advance Part of Surplus for building Churches in certain Cases.

Commissioners shall be satisfied, by the Certificate of a competent Architect, that the building of such Church or Chapel is completed in a sufficient and workmanlike Manner, pursuant to the Plan and Estimate approved as aforesaid, and also by a Certificate from the Ordinary of the Diocese that he, upon Inspection thereof, is satisfied with the Execution of such Work; and the said Commissioners shall have the like Remedies for the Recovery of any Part of such Sum or Sums received from them for the Purpose of any such Building which shall not have been duly applied for such Purpose, and shall remain over and above after the Execution of such Purpose, as herein-before provided as to Sums granted by said Commissioners for the Purpose of repairing Churches or Chapels; and the Rents or Profits which may arise from the Letting or Sale of Pews and Seats in such Church or Chapel shall be and become vested in such Commissioners, to be employed by them as other Monies which shall come into their Hands under the Provisions of this Act: Provided always, that if it shall appear to the said Commissioners that, from the peculiar Circumstances of any Parish or Place, it is expedient that a Church or Chapel of Ease should be built in such Parish or Place, and that such Application of Twenty Inhabitants as aforesaid, or Contribution of One Fifth of the Expences of building the same as aforesaid, cannot be obtained, it shall and may be lawful for the Commissioners, upon the Application of the Bishop of the Diocese, to advance, if they shall think fit, the necessary Monies out of the Funds at their Disposal, without such Application or Contribution as aforesaid.

Commissioners
may assign Pews
to Subscribers
in consideration
of Subscrip-
tions.

LXXIX. Provided nevertheless, and be it enacted, That in consideration of such Subscriptions as aforesaid it shall and may be lawful for such Commissioners to allot and assign such and so many of the Seats and Pews to be erected in said Church or Chapel of Ease as to them shall seem fit or expedient to the Persons who may have or entered into such Subscription as aforesaid, according to such Scheme for the Classification thereof, with regard to the Amount of their several Subscriptions, as shall be proposed by such Subscribers and approved by such Commissioners; and the Pews so assigned to such Subscribers as aforesaid shall be vested in them, and deemed and taken to be Personal Property, and assignable and transmissible as such.

Commissioners
may advance
Money for
building Glebe
Houses, &c.

LXXX. And be it further enacted, That it shall and may be in like Manner lawful for the said Commissioners, out of any surplus Funds or Monies at their Disposal, from Time to Time, and in such Proportion as they shall think proper, to lend and advance, upon an Application accompanied by a Plan and Estimate made by the Incumbent of any Benefice or Parish, and approved of by the Bishop of the Diocese, any Sum of Money, not exceeding Two Years net Income of such Benefice or Parish, to be applied to the Purpose of building or improving a Mansion or Glebe House and Offices, or in the Purchase of Houses already built, for the fit and suitable Habitation of such Incumbent and his Successors, or, if the said Commissioners shall so think fit, in the Purchase of Glebe or Demesne Lands fit and convenient for the Erection of such Glebe House and Offices.

Money so ad-
vanced to be
repaid by In-
cumbent.

LXXXI. And be it further enacted, That the Incumbent of any such Benefice or Parish to whom any such Money shall be so advanced, or in case of his Death or Removal before the Repay-
ment

ment of the whole Sum so advanced, his Successor or Successors for the Time being, shall and he and they is and are hereby required and bound to repay to the said Commissioners so much of the said Sum as shall become due, by Instalments during their respective Incumbencies, in manner following; that is to say, Four Pounds *per Centum* of the Sum so advanced on the First Day of *July* next after the Expiration of One Year from the Day on which same shall have been so advanced and lent (or within Twenty-one Days after), and Four Pounds *per Centum* more of the Sum advanced on the First Day of *July* in every succeeding Year (or within Twenty-one Days after), until the Sum so advanced shall be wholly repaid.

LXXXII. Provided always, and be it further enacted, That no Person shall be deemed a Successor, so as to be charged by or under this Act, who shall die or be removed within the Space of One Year from the Death or Removal of the Incumbent immediately preceding him.

Who shall not be deemed Successors to such Incumbents.

LXXXIII. Provided also, That no Successor shall in any Case be liable to pay any such Instalment before the First Day of *July* next after he shall have so become a Successor chargeable under this Act, nor to pay any more than One such Instalment on such First Day of *July*, notwithstanding that more than One Year may have intervened between the Death or Removal of the last Incumbent who had become chargeable with the Payment of any Instalment under this Act and such First Day of *July*.

In what Manner Successors shall be liable.

LXXXIV. Provided also, That in Cases where such last preceding Incumbent shall die or be removed before he shall have received the whole of such Sum so granted by way of Loan, every Person who shall be a Successor of any such Incumbent should be bound and obliged to repay to the said Commissioners appointed under this Act an Instalment at the Rate of Four Pounds *per Centum* for the Sum which shall have been actually so advanced to such Incumbent on account of such Loan (although the whole Amount of such Loan may not have been received by such Incumbent) on the First Day of *July* next after such Person shall have become a Successor chargeable by virtue of this Act; and that no Instalment not actually paid of any such Loan shall be discharged, or be deemed or taken as discharged, by reason of the Neglect or Default of any Incumbent in respect of the Nonpayment of any Instalment which may have become due and payable during his Incumbency, it being the true Intent and Meaning of this Act that Instalments of every such Loan shall continue to be paid until the whole Amount of such Loan shall be actually paid to the said Commissioners.

For regulating Payment of Instalments by Successors of Incumbents removed before Receipt of the whole Sum granted.

LXXXV. And be it further enacted, That in order to enforce the punctual Payment and Discharge of such Sums as shall be so lent and advanced in pursuance and by virtue of the Provisions of this Act, it shall and may be lawful for the said Commissioners appointed under this Act for the Time being, and they are hereby required, to take and receive, previous to the advancing of any Sum of Money to any such Incumbent, a Bond from such Incumbent, which Bond shall not be subject to any Stamp Duty, binding him, with One or more sufficient Sureties, and them, his and their Heirs, Executors, and Administrators, jointly and severally, to the King's most Excellent Majesty, His Heirs and Successors, in a Penalty amounting

To enforce Punctuality, the Commissioners to take a Bond to His Majesty for Payment of Instalments with Interest.

amounting to Double the Sum advanced, conditioned for the due Application of the Money so to be advanced within Two Years from the Advance, or for refunding to the said Commissioners so much of the said Money as shall not be so applied within such Time, and for the Payment to the said Commissioners of all such Instalments of the said Sum or Sums at the several Times before mentioned as may severally become due during his Incumbency, with legal Interest on such Instalments respectively from the respective Time when each Instalment ought to have been paid until the actual Payment thereof; which Bond shall have the same Force and Effect as Bonds to the King's most Excellent Majesty, and for His Use, have by virtue of an Act passed in *Ireland* in the Twenty-first and Twenty-second Years of the Reign of King *George* the Third, intituled *An Act for the more speedy and effectual Recovery of the King's Debts*, and Suits shall and may be prosecuted and carried on upon such Bonds, by the Orders and under the Directions of the said Commissioners, for the Recovery of the Money which shall be due thereon, in such and the same Manner as Suits on Bonds to the King's Majesty may be prosecuted by virtue of the said Act.

Commissioners may at Time of making Advance signify their Intention to require Interest.

LXXXVI. Provided also, That it shall and may be lawful for the said Commissioners, if they shall so think fit, at the Time of making such Advance, to signify their Intention to require Interest, at the lawful Rate or any less Rate, to be paid for the same from the Time of advancing the said Sum, or any other Time, until Repayment thereof; and in such Case the Bond aforesaid shall be framed and Payment made accordingly.

Sums advanced to be a Charge on all the Ecclesiastical Emoluments of the Benefice.

LXXXVII. And be it further enacted, That all and every Sum and Sums of Money so to be advanced by the said Commissioners appointed under this Act to any such Incumbent as aforesaid shall, with or without Interest, as the Case may be, from the Time of advancing any Part thereof, be a Charge on all the Glebe Lands, Tithes, Composition for Tithes, Rents, Moduses, Salaries, Stipends, Fees, Gratuities, and all other Ecclesiastical Emoluments and Profits whatsoever arising or to arise from the Benefice of which such Person or Persons shall be Incumbent as aforesaid; and in case Default shall be made in the due Application of such Advances, or the regular Discharge of any of the said Payments or any Part thereof, on the Days appointed for the Payment thereof, by such Incumbent, or his Successor or Successors, it shall and may be lawful for the said Commissioners to recover the same by Process of Sequestration, and such Sequestration shall be applied for and issued on the Certificate of such Commissioners in the Manner and subject to the Regulations herein-before directed as to Sequestrations in any other Case to be applied for by the said Commissioners.

In default of Repayment, Commissioners may recover the same by Sequestration.

Sum lent to be distinguished in the Certificate.

LXXXVIII. And be it further enacted, That such Sum or Sums of Money as shall be lent or advanced to any such Incumbent by virtue of this Act shall be distinguished and mentioned apart, in the usual Certificate to be given by any Archbishop or Bishop by virtue of the Acts now in force to enable an Incumbent who builds to recover against his Successor, from any and every Sum or Sums by any such Incumbent laid out or expended out of his own proper Income in the building of such Glebe House and

Offices which would otherwise be allowed by such Certificate; and a separate and distinct Portion of the said Certificate shall be allotted by the said Archbishop or Bishop for ascertaining the Expenditure of the Sum so lent and advanced by the said Commissioners.

LXXXIX. And be it further enacted, That in case any such Incumbent shall die or be removed before all the Sums agreed to be advanced by the said Commissioners appointed by virtue of this Act for building or procuring such Glebe House and Offices as aforesaid shall have been actually advanced by the said Commissioners, then and in such Case his Successor shall be entitled and bound to receive the Remainder of the Money so agreed to be advanced, and shall give, in proportion to the Money remaining to be advanced, the like Security that had been given by his Predecessor, by Bond to the King's most Excellent Majesty, the Penalty of which Bond shall be recovered in manner herein-before declared and enacted with respect to the Recovery of the Penalty of the Bond so given by his Predecessor; and the Money so advanced, with or without Interest, as the Case may be, shall also be charged on such Benefice in the same Manner as the Money advanced to such first Incumbent, and recoverable in the like Manner.

In case Incumbent dies before the whole Sum shall be advanced, Successor to receive the Remainder upon like Security.

XC. Provided also, and be it further enacted, That the Incumbent for the Time being of such Benefice shall annually, at his own Expende, until the last Instalment of such Sum shall be paid, keep the Buildings on which Money so lent and advanced shall have been expended regularly insured against Fire at some public Insurance Office in *Great Britain or Ireland*, to the full Amount at least of the Sum so lent and advanced; and in default thereof it shall be lawful for the Court of Chancery or Exchequer in *Ireland* to sequester the Profits of such Benefice, Parish, Union, Chapelry, or Perpetual Curacy, in like Manner as herein directed as to Sequestrations issued on the Petition of the said Commissioners, until such Insurance shall be made.

Incumbent to keep Buildings insured.

XCI. Provided always, That nothing herein contained shall extend or be construed to extend to limit or restrain the Power by this Act vested in the Commissioners to grant any Sum or Sums of Money gratuitously to any Incumbent or Perpetual Curate for the Purpose herein-after mentioned, whether such Incumbent shall or shall not have received a Loan to be in part applied to the said Purpose, nor to obstruct, annul, make void, or alter the Laws now in force for building, repairing, or improving Glebe Houses, or any of them, save as herein mentioned; but that such Incumbents, in case they shall think proper to proceed under and according to the said Laws, may do so in the same Manner as if this Act had not been made.

Not to extend to obstruct or alter the Laws now in force for building Glebe Houses.

XCII. And be it enacted, That where the annual Value of any Benefice or of any Perpetual Curacy, which has not been augmented as herein mentioned, shall not amount to One hundred Pounds *communibus annis*, and there shall be no Glebe House thereon, it shall be lawful for the said Commissioners gratuitously to grant a Sum of One hundred Pounds to the Incumbent thereof, in such Manner as they shall think fit, to enable him the better to carry on the building of a Glebe House thereon, and before such House is begun to be built.

Commissioners may grant 100*l.* gratuitously in certain Cases.

XCIII. And

Power of Commissioners to augment Benefices.

XCIII. And be it further enacted, That it shall and may be lawful for the said Commissioners under this Act, when and as in their Judgment it may be proper, out of such surplus Funds and Monies so as aforesaid from Time to Time remaining in their Hands or at their Disposal, to augment any Benefice with Cure of Souls, Living, or Curacy, Appropriate or Improprate, or the Maintenance of any Parson, Vicar, Curate, and Minister officiating in any Church or Chapel, or licensed Place of Worship in *Ireland* where the Liturgy and Rites of the United Church of *England* and *Ireland* as now by Law established are or shall be used and observed, and which shall appear to them to be under the clear yearly Value of Two hundred Pounds, after allowing the Deductions herein-before mentioned, either by the Purchase of Glebes or other Lands, or Tithes or Compositions for Tithes, or both, or by granting to the Incumbent of such Benefice or Living, or to such Parson, Vicar, Curate, or Minister, an annual Salary, to be paid out of the Rents, Issues, and Profits of the several Lands or Tenements and the Interest or Dividends of the several Monies and Properties hereby vested in such Commissioners as aforesaid, or in any other Manner as to the said Commissioners shall seem fit: Provided always, that the Value of such Benefice, Living, Maintenance, or Curacy, together with such Augmentation as aforesaid, shall not in the whole exceed the Value of Two hundred Pounds by the Year.

No Augmentation, unless there is a Church where Divine Service is performed, or to encourage the building or repairing of one within Three Years after.

XCIV. Provided also, and be it further enacted, That no Augmentation of the Benefice or Maintenance of any such Parson, Vicar, Minister, or Curate as aforesaid shall be made by any of the Ways or Means aforesaid by the said Commissioners, unless there shall be at the Time of such Augmentation (or within Three Years after such Augmentation shall be made, or purchased, or granted as aforesaid,) within such Benefice, Living, or Curacy a Church or Chapel, or other licensed Place of Worship, where Divine Service as aforesaid may and shall be performed, every *Sunday* at the least, by such Parson, Vicar, Curate, or Minister whose Benefice or Maintenance shall be so augmented as aforesaid; and in case such Augmentation by Salary or otherwise shall be made as aforesaid where no such Church or Chapel, or other licensed Place of Worship, shall be, at the Time of such Augmentation being so made or granted as aforesaid, actually built, but the same is to be so made and granted in order to encourage the building or repairing such Church or Chapel, or other licensed Place of Worship, within Three Years as aforesaid, such Augmentation shall, notwithstanding any such Augmentation or Grant as aforesaid, not commence or take place, nor shall any Parson, Vicar, Curate, or Minister be entitled to, or have any Right whatever to demand or receive, such Salary or Augmentation but from the Time when such Church or Chapel, or other licensed Place of Worship, shall be actually built and fitted for the Performance of such Divine Service as aforesaid.

If Incumbent of augmented Benefice do not reside, Salary to cease.

XCV. And be it further enacted, That if the Incumbent of any Benefice, or any Parson, Vicar, Minister, or Curate, whose Maintenance has been augmented by the Trustees and Commissioners of First Fruits, or which shall be so augmented by the Commissioners under this Act, by the Grant of such annual Salary or otherwise, shall

shall not reside upon such augmented Benefice, Living, or Curacy, or so conveniently as shall be satisfactory to the Bishop of the Diocese, or shall be wilfully absent from the Cure of such Church or Chapel for the Service of which such Augmentation has been or shall be so granted, for any Period exceeding the Space of Sixty-one Days together, or to be accounted at several Times in any one Year, and make his Residence and abiding at any other Place or Places, without such Licence or Exemption as allowed by an Act passed in Fifth Year of the Reign of His late Majesty, intituled *An Act to consolidate and amend the Laws for enforcing the Residence of Spiritual Persons on their Benefices, to restrain Spiritual Persons from carrying on Trade or Merchandize, and for the Support and Maintenance of Stipendiary Curates, in Ireland*, and unless such Parson, Vicar, Curate, or Minister so to be absent by virtue of such Licence or Exemption shall find and provide a sufficient Person, to be approved of by the Archbishop, Bishop, or other Ordinary of such Diocese, to supply the Cure and perform Divine Service in such Church or Chapel as aforesaid during such Absence; and if there shall be a Discontinuance of the Performance of Divine Service, except for the necessary Repairs, or rebuilding, or enlarging of the said Churches or Chapels, or for other Cause to be approved of by the Archbishop, Bishop, or other Ordinary of the Diocese, and certified to the said Commissioners as aforesaid; then and in any of said Cases such Salary or Augmentation so made or to be made of any such Benefice, Living, or Curacy, and all Right and Title of any such Parson, Vicar, Incumbent, Curate, or Minister to demand or receive such Salary or Augmentation, shall utterly cease and be determined, during his Incumbency only, notwithstanding any such Grant before made thereof; and that such Parson, Vicar, Incumbent, Curate, or Minister shall for ever after be disabled and rendered incapable of having or enjoying such Salary or Augmentation, but that the same shall nevertheless be restored and payable to the next Successor as if the same had not so ceased or been so suspended; and that the said Salary or Augmentation so stopped during the Incumbency of such disabled Person shall be vested in the said Commissioners, to be applied by them to such Uses and Purposes as the same might have been applied to if the same had not been so granted as aforesaid.

5 G. 4. c. 91.

XCVI. And be it further enacted by the Authority aforesaid, That in case any Incumbent of any such Benefice, Living, or Curacy, or any Parson, Vicar, Curate, or Minister, whose Maintenance shall be augmented by the Grant of such annual Salary or otherwise by the said Commissioners under this Act, or which shall have been at any Time heretofore augmented by the said Trustees and Commissioners of First Fruits in *Ireland*, shall accept and take any other Benefice, Living, or Curacy, and be instituted and inducted into the Possession of the same, that then the said Benefice, Living, or Curacy which shall have been so augmented shall from thenceforth be and be deemed and adjudged absolutely void to all Intents and Purposes whatsoever; and that it shall be lawful for the Archbishop, Bishop, or other Patron to collate or present thereto, in like Manner and Form as if the former Incumbent had died or resigned, any Licence, Union, or other Dispensation to the contrary in anywise notwithstanding; and that every Licence, Union,

If Incumbent of augmented Benefice take a second, the first to be void.

Union, or Dispensation, of what Name or Names, Quality or Qualities soever, obtained contrary to the true Meaning and Intention of this Act, shall be absolutely void and of none effect; and in case any Person already possessed of any Benefice, Living, or Curacy shall be collated or instituted to any of the said Benefices, Livings, or Curacies which have been heretofore augmented as aforesaid by the said Trustees and Commissioners of First Fruits in *Ireland*, or which shall be so augmented by the Commissioners under this Act as aforesaid, every such Collation, Presentation, or Nomination shall be utterly void to all Intents and Purposes whatsoever: Provided always, that no Lapse shall incur upon any Avoidance of any Benefice, Living, or Curacy which shall happen in consequence of this Act, until Six Months after Notice shall be given, in all Cases in which Notice is now by Law required, to the Person or Persons having a Right to present or nominate to the same, by the Archbishop or Bishop of the Diocese, or other Ordinary for the Time being, in Writing under his or their Hand and Archiepiscopal or Episcopal Seal or Seals of Office respectively.

No Lapse without Notice to Patron.

Provisions hereof to extend to Donatives and Curates.

XCVII. ' And whereas the Provision for augmenting such poor ' Livings as shall be thought proper by the said Commissioners to ' be so augmented is intended to extend, not only to Parsons, ' Vicars, and Curates who come in by Presentation or Collation, ' Institution and Induction, or Licence, but likewise to such ' Ministers who come in by Donation, or are only stipendiary ' Preachers or Curates in and of Improprate or Appropriate ' Parishes, officiating in any Church or Chapel where the Liturgy ' and Rites of the United Churches of *England* and *Ireland* as by ' Law established shall be used and observed, some of which may ' happen not to be Corporations nor have a legal Succession, and ' therefore are incapable of taking a Grant of such perpetual ' Augmentation by a Salary, or Endowment of such Tithes or ' Land, as is by this Act intended; and in some Places it might ' be in the Power of the Improprator, Donor, Parson, or Vicar ' to withdraw the Allowance now or heretofore paid to the Minister ' or Curate serving the Cure, or, in case of a Chapelry, the Incumbent of the Mother Church might refuse to employ a Curate, or ' permit a Minister duly nominated or licensed to officiate in such ' augmented Chapel, and might officiate therein himself, and take ' the Benefit of the Augmentation, though his Living be above ' the Value of those which are hereby intended to be augmented, ' and the Maintenance of the Curate or Minister would thus be ' sunk, instead of being augmented; ' therefore be it enacted by the Authority aforesaid, That all such Churches, Curacies, or Chapels which shall at any Time hereafter be augmented by the said Commissioners shall be and are hereby declared and established to be, from the Time of such Augmentations, Perpetual Cures and Benefices; and the Ministers duly nominated and licensed thereunto, and their Successors respectively, shall be and be esteemed in Law Bodies Politic and Corporate, and shall have perpetual Succession by such Name and Names as in the Grant of such Augmentation shall be mentioned, and shall have a legal Capacity, and are hereby enabled to take in Perpetuity, to them and their Successors, all such Lands and Tenements and Tithes as shall be granted to

Curacies and Chapels augmented to be Perpetual Cures and Benefices.

or purchased for them by the said Commissioners, or such annual Salaries as shall be so granted pursuant to this Act, any Law or Statute to the contrary notwithstanding; and that the Impropriators or Patrons of any Churches or Donatives of the Benefices so augmented for the Time being, and their Heirs, and the Rectors and Vicars of the Mother Churches whereunto any such augmented Curacy or Chapel doth appertain, and their Successors, shall be and are hereby utterly excluded from having or receiving, directly or indirectly, any Profit or Benefit by such Augmentation, and shall from Time to Time, and at all Times from and after such Augmentation, pay and allow to the Ministers officiating in any Church or Chapel so augmented such annual and other Pensions, Salaries, and Allowances which by ancient Custom or otherwise, of Right and not of Bounty, ought to be by them respectively paid and allowed, and which they might by due Course of Law, before the making of this Act, have been compelled to pay or allow to the respective Ministers officiating here, and such other yearly Sum or Allowance as shall be agreed upon, if any shall be, between the said Commissioners and such Patron or Impropriator upon making the Augmentation; and the same are and shall be hereby perfectly vested in the Ministers officiating in the Church or Chapel of the Benefice so augmented, and their respective Successors.

XCVIII. Provided always, and be it enacted, That no such Rector or Vicar of such Mother Church, or any other Ecclesiastical Person or Persons having Cure of Souls within the Parish or Place where such Church or Chapel of the Benefice so augmented shall be situate, or his or their Successors, shall be hereby divested or discharged from the same; but the Cure of Souls, with all other Parochial Rights and Duties (such Augmentation and Allowances to the Church or Chapel of the Benefice so augmented as aforesaid only excepted), shall hereafter be and remain in the same Plight and Condition as if such Augmentation had not been made.

No Rector or Vicar discharged hereby from Cure of Souls.

XCIX. And for continuing the Succession in such augmented Cures hereby made Perpetual Cures and Benefices, and that the same may be duly and constantly served, be it further enacted by the Authority aforesaid, That in case such augmented Cures be suffered to remain void by the Space of Six Months, without any Nomination within that Time of a fit Person to serve the same, by the Person or Persons having the Right of Nomination thereunto, to the Bishop or other Ordinary, to be licensed for that Purpose, the same shall lapse to the Bishop or other Ordinary, and from him to the Metropolitan, and from the Metropolitan to the Crown, according to the Course of Law used in the Case of Presentative Livings and Benefices; and the Right of Nomination to such augmented Cure may be granted or recovered, and the Incumbency thereof may and shall cease and be determined, in the like Manner and by the like Method as the Presentation to or any Incumbency in any Vicarage Presentative may now be respectively granted, recovered, or determined: Provided always, that in case the Person or Persons entitled to nominate to such augmented Cure should suffer Lapse to incur, but shall, before any Advantage taken thereof by the Ordinary, Metropolitan, or Crown respectively, nominate, such Nomination shall be effectual as if made within

If augmented Cure void for Six Months it shall lapse.

Nomination before Advantage taken of Lapse, good.

within Six Months, although so much Time be before elapsed as that the Title of Lapse be vested in the Crown.

Donatives to be subject to Visitation.

C. And be it further enacted, That all such Donatives which have been augmented by the said Trustees and Commissioners of First Fruits in *Ireland*, or which shall be at any Time hereafter augmented by the Commissioners under this Act, by virtue of the Powers hereby given to them, shall be subject to the Visitation and Jurisdiction of the Bishop of the Diocese wherein such Donative is or shall be, to all Intents and Purposes of Law whatsoever: Provided always, that no Donative shall be augmented without the Consent of the Patron or Patrons in Writing under his or their Hands and Seals first had and obtained.

Consent of Patron necessary to Augmentation.

Power to Commissioners to agree with Patron for yearly Allowance.

CI. Provided also, That where the said Commissioners under this Act shall, in pursuance of the Powers given to them by this Act, think it convenient and fitting that any Donative, Curacy, or Chapelry should receive an Augmentation out of the Lands, Tenements, and Hereditaments, or other Funds and Monies, hereby vested in them, it shall and may be lawful to and for the said Commissioners, before they make the said Augmentation, to treat and agree with the Patron of any Donative, Impropricator of any Rectory impropriated without Endowment of any Vicarage, or Parson or Vicar of any Mother Church, as the Case shall happen to be, for a perpetual, yearly, or other Payment or Allowance to the Minister or Curate of such augmented Donative, Curacy, or Chapelry, and his Successors, to be made in all succeeding Times by such Patron, Impropricator, Parson, or Vicar, and his and their Heirs and Successors, and for charging and subjecting the Impropriate Rectory or Mother Church or Vicarage therewith and thereunto in such Manner and with such Remedies for Recovery thereof as shall be thought fit; and such Agreement made with the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, by and with the Advice and Consent of Six or more of His Majesty's Privy Council in *Ireland*, testified under their Hands, in Cases where the King's most Excellent Majesty, His Heirs and Successors, are or shall be interested, or with any Bodies Politic or Corporate, or any other Person or Persons, having any Estate or Interest in Possession, Reversion, or Remainder in any such Impropriate Rectory, in his or their own Right, or in Right of their Wives, or in Right of his or their Churches, or with the Guardian or Guardians or Committee or Committees of or acting for any Person or Persons having such Estate or Interest, who at the Time of such Consent shall be respectively Infants, Idiots, or Lunatics, or under any other legal Disability, or with any Parson or Vicar of any Mother Church, shall be respectively good and effectual to all Intents and Purposes in Law, with respect to such Charges, against His Majesty, His Heirs and Successors, or against all or any such Bodies Politic and Corporate, or against the Person or Persons so agreeing, their Wives, Heirs, and Successors respectively, and every of them, and against all and every their Issue, and against every other Person and Persons claiming in Remainder or Reversion after any Estate Tail in the Premises, according to the Form of such Agreement, as fully and in like Manner as if such Agreement had been made by His Majesty, His

Heirs and Successors, under His and their Great Seal, and as if such Bodies Politic and Corporate had been free from any Restraint, and as if such other Persons so agreeing had been sole seised in his and their own Right of such Donative, Improprate Rectory, or Mother Church as aforesaid, at the Time of making such Agreement; and that the Agreements of Guardians or Committees for or on behalf of Infants or Idiots or Lunatics under their Guardianship, or of whom they shall be Committees as aforesaid, shall be as good and effectual to all Intents and Purposes as if the said Infants or Idiots or Lunatics respectively had been of full Age and of sound Mind, and had themselves entered into such Agreement: Provided always, that in case of any such Agreement as aforesaid with any Parson or Vicar, the same shall be with the Approbation and Consent of his Patron and Ordinary; and in case of any such Agreement made with any Person in Right of his Wife, that the Wife may be a Party to the Agreement, and seal and execute the same.

Such Agreement to be with Consent of Patron.

CII. And whereas it is expedient to provide a more effectual Remedy in Cases where the Owners of Improprations or Improprate Tithes are by Law bound, but nevertheless refuse or neglect, to repair the Chancel of any Church, or maintain an officiating Clergyman, in *Ireland*; be it therefore enacted, That from and after the passing of this Act it shall and may be lawful for the said Commissioners, or any Archbishop or Bishop of the Diocese, to present a Petition to the Lord Chancellor, Lord Keeper, or Lords Commissioners for the Custody of the Great Seal, or Master of the Rolls, for the Time being, or to the Court of Exchequer, in *Ireland*, praying such Relief as the Nature of the Case may require; and it shall be lawful for the Lord Chancellor, Lord Keeper, and Commissioners for the Custody of the Great Seal, and for the Master of the Rolls, and the Court of Exchequer, in *Ireland*, and they are hereby required, to hear such Petition in a summary Way, and upon Affidavits or such other Evidence as shall be produced upon such Hearing in support of or in answer to such Petition, to determine the same, and to make such Order therein, and with respect to the Costs of such Petition, as to him or them shall seem just, and such Order shall be final and conclusive, unless the Party or Parties who shall think himself or themselves aggrieved thereby shall, within One Year from the Time such Order shall have been passed and entered by the proper Officer, have preferred an Appeal from such Decision to the House of Lords, to whom it is hereby enacted and declared that an Appeal shall lie from such Order; and neither such Petitions, nor any Proceedings upon the same or relative thereto, nor the Copies of any such Petitions or Proceedings, shall be subject or liable to the Payment of any Stamp Duty whatever.

Remedy in Cases of Improprators refusing to repair Chancels or maintain officiating Clergymen.

CIII. And be it further enacted by the Authority aforesaid, That all Augmentations, Agreements, and Orders made by the said Commissioners in pursuance of this Act shall be carefully examined and entered into a Book to be provided and kept by their Secretary or other Officer or Officers to be by them appointed for such Purpose, and that such Entries, being approved of by the said Commissioners, and attested by them, shall be taken to be as Records; and true Copies thereof or of the said Entries, being proved by One or more credible Witness or Witnesses, shall be

Entries of Augmentations and Orders.

Copies to be Evidence.

deemed, taken, and adjudged to be good and sufficient Evidence in Law touching the Matters and Things therein contained or relating thereto.

Power for Commissioners to purchase House and Land for augmented Benefice.

CIV. And be it further enacted, That where any Living, Benefice, Curacy, or Chapelry shall have been augmented by the said Trustees and Commissioners of First Fruits in *Ireland*, or shall be augmented by the Commissioners under this Act, by any of the Ways or Means aforesaid, and there is or shall be no Parsonage or other House suitable for the Residence of the Minister, Curate, Chaplain, or Incumbent, it shall and may be lawful for the Commissioners under this Act, by and with the Approbation and Consent of the Bishop of the Diocese, and they are hereby empowered (in order to promote the Residence of Clergy on their Benefices), to apply and dispose of any surplus Funds or Monies as aforesaid remaining in their Hands or at their Disposal, in such Manner as they shall deem most advisable, in or towards the building, rebuilding, or purchasing a House and other proper Erections within the Parish, Benefice, Curacy, or Chapelry, convenient and suitable for the Residence of the Minister thereof; which House shall for ever thereafter be deemed the Parsonage appertaining to such Living, Benefice, Curacy, or Chapelry, to all Intents and Purposes whatsoever; and also in and towards the purchasing of any Lands not exceeding in the whole Forty Acres, whether being within the local Limits of the said Benefice, Curacy, Living, or Chapelry, or not, but so as that the same be situate convenient to such House so to be built, rebuilt, or purchased as aforesaid, such Land so to be purchased being of Freehold Tenure, or Copyhold of Inheritance, or for Life or Lives, holden of any Manor or Lordship belonging to the same Benefice, Curacy, Living, or Chapelry; and which Lands so purchased shall for ever, from and after the Grant and Conveyance thereof, be and become annexed to and Glebe of such Benefice, Living, Curacy, or Chapelry, to all Intents and Purposes whatsoever, and be holden and enjoyed by such Incumbent and his Successors accordingly, without any Licence or Writ of *Ad quod damnum*; and the Whole or any Part or Parts of the said Land which before such Annexation were or was of Copyhold Tenure shall for ever from and after such Annexation become and be of Freehold Tenure; the Statute of Mortmain, or any other Statute or Law, to the contrary notwithstanding; subject nevertheless to the Laws now in force or that may hereafter be in force in *Ireland* for exchanging of Glebes.

Provisions of Act relative to augmenting single Benefices to extend to united Benefices not of the Value of 200*l*.

CV. ' And whereas Two or more Benefices, Vicarages, or Curacies may be contiguous, and of such small Extent as that One Church may be sufficient for the same, and the Cure thereof may be conveniently attended, by the same Parson, Vicar, or Curate; and it may happen that such Benefices, Vicarages, or Curacies are or shall be permanently united, and yet the whole Value of such united Benefices, Vicarages, or Curacies may not amount to the clear yearly Value of Two hundred Pounds, according to the Valuation herein-before mentioned; be it therefore declared and enacted by the Authority aforesaid, That all and every the Clauses and Provisions in this Act relative to the augmenting of single Benefices, Vicarages, or Curacies, or Chapelries, shall extend and be construed to extend to all such united Benefices, Vicarages, and Curacies,

Curacies, when the same do not in the whole amount to the clear yearly Value of Two hundred Pounds as aforesaid.

CVI. And be it further enacted, That from and after the Commencement of this Act it shall and may be lawful for the said Commissioners under this Act, by Instrument in Writing under their Corporate Seal, by and with the Consent of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, and of His Majesty's Privy Council in *Ireland* in Council assembled (Six at least consenting), and with the Consent of the Archbishop or Bishop of the Diocese, and of the respective Patron or Patrons, certified under his or their Hand and Seal or Hands and Seals, attested by Two or more credible Witnesses subscribing thereunto, to divide any Parish in *Ireland*, the average annual Value whereof shall exceed Eight hundred Pounds, and to separate and disunite from such Parish any Townland, Townlands, District, Parcel or Parcels of Land, and all Tithes, Composition for Tithes, Dues, and Ecclesiastical Emoluments whatsoever, from such Townland, Townlands, District, Parcel or Parcels of Land arising or to arise and payable to the Ecclesiastical Incumbent of such Parish, and thenceforth to annex and unite in Perpetuity, by the same or a different Instrument, any such Townland, Townlands, District, Parcel or Parcels of Land, and all such Tithes, Composition for Tithes, Dues, and Ecclesiastical Emoluments whatsoever therefrom arising or to arise, to any other adjoining Parish or Parishes the annual average Value of which respectively shall not exceed Two hundred Pounds: Provided nevertheless, that the annual Value of any such Parish so divided as aforesaid shall not by such Division be in any Case reduced below the Sum of Three hundred Pounds.

Commissioners may divide Parishes in certain Cases.

CVII. And provided also, and be it enacted, That any such Division of any Parish shall take effect and come into operation upon the Death or Removal of any Person who shall be the Incumbent of any such divided Parish at the Time of the Commencement of this Act or at the Time when such Division shall be made as aforesaid, as the Case may be, and not sooner; and that then and for ever thereafter such Townland, Townlands, District, Parcel or Parcels of Land, and all such Tithe, Composition for Tithe, Dues, and Ecclesiastical Emoluments whatsoever therefrom respectively arising or to arise, shall cease to be or to be deemed a Part or Parts of or annexed to such divided Parish, and shall become and be and be deemed a Part or Parts of or annexed to such augmented Parish or Parishes, to all Intents and Purposes whatsoever.

Such Division not to take effect until Death of Incumbent.

CVIII. And be it further enacted, That it shall and may be lawful for the said Commissioners, with such Approbation and Consent and in such Manner as are herein-before last mentioned, to divide and separate the Glebe belonging to any such Parish so divided, and to grant a Portion of such Glebe to the Incumbent of such divided Portion of the Parish or of such augmented Parish, as the Case may be, as and for a Glebe for such Parish, subject, however, to the Laws now in force or that may hereafter be in force for the Exchange of Glebes; and that all such Divisions of Glebes shall be good, firm, and valid in Law; and that such Part or Parts of such Glebe as shall be so annexed shall be always deemed and taken to be the Glebe or Glebes of such Parish or Parishes to which the same shall be so annexed; and that the Incumbent or Incum-

Commissioners may divide also the Glebe belonging to Parishes so divided.

bents of such Parish or Parishes to which the same shall be so annexed shall hold and enjoy such Part or Parts of such divided Glebe, being so annexed, in as full and ample a Manner to all Intents and Purposes as if such Part or Parts of such Glebe had been always held with and enjoyed as the Glebe belonging to such Parish or Parishes to which the same shall be so annexed, any Law or Usage to the contrary notwithstanding.

Guardians,
Committees,
&c. may consent.

CIX. And be it further enacted, That whenever any Patron of any Parish so to be divided as aforesaid shall happen to be a Minor, Idiot, Lunatic, or Feme Covert, it shall and may be lawful for the Guardian, Committee, or Husband of every such Patron to consent to such Division as aforesaid for such Patron, and to certify his, her, or their Consent under his, her, or their Hand and Seal or Hands and Seals, for such Patron, who shall be bound thereby in such Manner, and the same shall be as valid and effectual, as if he or she had been of full Age, or sound Mind, or Feme Sole, and had expressed such Consent as aforesaid.

Bounds of Parishes to be first ascertained, and Map and Statement of Value transmitted to Lord Lieutenant, who shall confirm or alter same.

CX. And be it further enacted, That before any such Division or Augmentation of any Parish or Parishes as last aforesaid shall be made and concluded, the Bounds of such Parish or Parishes shall be ascertained by Instrument in Writing in manner following; (that is to say,) the said Commissioners under this Act, by Instrument in Writing under their Seal, shall and may set out and describe the Bounds of such Parishes, and the several Townlands or other Parcels or Denominations of Lands which shall be comprised within such Parishes respectively; and a Copy of such Instrument shall, within Fourteen Days from the Date thereof, together with a Map and Survey of the said Parishes respectively, and a Statement of the annual Value of the same, and of such Part or Parts to be so separated and disunited from such divided Parish as aforesaid, be transmitted to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* in Council, and the Lord Lieutenant or other Chief Governor or Governors in Council shall confirm or alter the Bounds of such Parish or Parishes so set out and described in such Instrument, as the Circumstances of the Case may seem to require, and shall order such Instrument to be altered accordingly: Provided always, that such Instrument so altered by any such Order, or if no Order shall be made thereupon by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* in Council within Six Weeks after the Date of the Transmission of the Copy of such Instrument to the Council Office in *Dublin Castle*, then such Instrument as originally transmitted, shall be entered in the Registry of the Diocese, (for which Entry the Sum of Thirteen Shillings and Four-pence, and no more, shall be paid to the Registrar,) and shall also be enrolled in the Rolls Office of the High Court of Chancery in *Ireland*, for which Enrolment the Sum of Thirteen Shillings and Four-pence, and no more, shall be paid, over and above the Expences usually paid to the Clerk for ingrossing the same.

Commissioners shall adjust Proportions of Crown Rents, &c. to be paid by Incumbents of divided Parishes.

CXI. And in order to prevent Disputes which might arise upon the apportioning of any Crown Rents, Port Corn Rents, Pensions, Procurations, Synodals, and Salaries payable to the Schoolmasters of the Diocesan Schools by the several Incumbents of any such divided or augmented Parish or Parishes; be it enacted, That it shall

shall and may be lawful for the said Commissioners under this Act, and they are hereby empowered and directed, to settle and adjudge the Proportions of Crown Rents, Port Corn Rents, Pensions, Procurations, Synodals, and the Salaries of the said Schoolmasters which the Incumbents of any such divided Parish and such augmented Parish or Parishes are respectively to pay; which Proportion, being so adjusted by an Adjudication in Writing under the Seal of the said Commissioners, and registered in the Register Book of the Bishop of the Diocese wherein such Parishes are situate respectively, shall be the Proportions which the Incumbents of such divided and of such augmented Parishes are respectively to pay, and shall be binding and conclusive upon the said several Incumbents of such divided or augmented Parish or Parishes respectively, and their respective Successors, any Law or Custom to the contrary notwithstanding.

CXII. And be it further enacted, That where any Parish shall be divided in manner aforesaid, and that the Incumbent of any such divided Parish shall be entitled to receive any Sum of Money from his next Successor in such Parish, in case the same had not been divided, on account of any Purchase of Glebe, or Addition to the Glebe, or of any Buildings or Improvements made on the Glebe of such Parish, or any Money paid by him to his Predecessor on such Account, according to the Laws in force for that Purpose, such Incumbent shall have and be entitled to receive from his next Successor in that Part of such divided Parish within which such additional Glebe shall be situate, or on which such Buildings or Improvements shall have been made, the same Sum as he would have been entitled to receive if the said Parish had not been divided, provided that the Sum so to be received shall not exceed Two Years Income of that Part of the Parish; and such Incumbent, having paid such Proportion of the said Money, shall be entitled to receive such Proportion of the Money so to be paid from his Successors, according to the Laws in force for that Purpose, in such Manner as he ought in case such Parish had not been divided; and it shall not be lawful for the said Commissioners to divide any Parish the Incumbent whereof shall be liable to any such Payment in such Manner as that the Sum to be paid by him shall exceed Two Years Income of the divided Part of the Parish in which such Buildings or Improvements shall be situated.

Incumbent of divided Parishes entitled to receive Disbursements from next Successor, as if Parish had not been divided.

CXIII. Provided always, and be it further enacted, That where the Assent of the King's Majesty, His Heirs or Successors, is to be given to the making of any such Division of any Parish as aforesaid, or to the annexing or uniting a Part or Parts thereof to any adjoining Parish or Parishes as aforesaid, the Assent of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being thereto, under his or their Hand and Seal or Hands and Seals, shall to all Intents and Purposes be as good, valid, and effectual in Law as if the Consent of His Majesty, His Heirs or Successors, were thereunto signified by Letters Patent under the Great Seal of *Ireland*: Provided always, that such Consent of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall be enrolled in the Rolls Office of the High Court of Chancery in *Ireland*, together with the Instrument making and setting forth such Division as aforesaid, for the Enrolment of which Consent the Sum of Three

Where Assent of His Majesty is required, Assent of the Lord Lieutenant to be good.

Shillings and Sixpence, and no more, shall be paid, over and above the Expences usually paid to the Ingrossing Clerk for the same.

Commissioners
may pay Com-
pensation to
Patrons in
certain Cases.

CXIV. And be it further enacted, That where any Person or Persons, other than the Crown, or an Archbishop or Bishop, shall be Patron or Patrons of any Living or Parish so to be divided as aforesaid, or shall be entitled to present a Clerk thereto upon any Vacancy or Turn thereof, it shall and may be lawful for the said Commissioners under this Act, if they shall think fit so to do, out of the surplus Funds remaining in their Hands, upon obtaining the Consent of such Patron or Patrons to such Division of any such Parish as aforesaid, to pay unto such Patron or Patrons such Sum or Sums of Money as the said Commissioners shall think fit as a Compensation for the Diminution of the annual Value of such Living or Parish, so that such Sum or Sums of Money shall in no Case exceed Twelve Years Purchase of the annual Sum by which the Income or annual Value of such divided Parish shall be reduced by means of and in consequence of such Division as aforesaid; and such Sum or Sums of Money shall be and become vested in and settled upon the same Person or Persons, and for and upon the same Uses, Estates, Trusts, and Limitations, and subject to the same Powers, Conditions, Charges, and Incumbrances, as the Advowson of or Right of Presentation to such divided Parish was vested in, settled upon, or subject to, or would have been vested in, settled upon, or subject to, or as near thereto as the Nature of the Case may admit.

Commissioners
may require
Compensation
in certain Cases.

CXV. And be it further enacted, That where any Person or Persons, other than the Crown, or an Archbishop or Bishop, shall be Patron or Patrons of any Living or Parish so to be augmented by the Annezation thereto of any Part of any such divided Parish, or shall be entitled to present a Clerk thereto upon any Vacancy or Turn thereof, it shall and may be lawful for the said Commissioners under this Act, and they are hereby directed and required, and shall be entitled to demand, take, and receive from such Patron or Patrons of any such augmented Parish or Parishes such Sum or Sums of Money as shall be mutually agreed upon by and between such Commissioners and the respective Patron or Patrons, or, in case of Disagreement between them, shall be fixed and determined by Three Arbitrators, to be chosen in the same Manner as in the Case of Arbitrators appointed for the Settlement of Differences between the said Commissioners and Parties applying for the Purchase of Perpetuities under this Act, and under and subject to the like Regulations, so far as the same are applicable; which Sum or Sums of Money so to be received by the said Commissioners shall be added to the general Funds of the said Commissioners for the Purposes of this Act; and in default of Payment of such Sum or Sums of Money to the said Commissioners within Six Calendar Months after a Demand thereof by Notice in Writing shall have been made and served upon such Patron or Patrons, the said Sum or Sums of Money shall be and become a Charge or Lien on such Advowson or on the Inheritance of the same, and be paid and payable to the said Commissioners, with Interest thereon, in priority to all other Charges or Incumbrances upon such Advowson.

Commissioners
may suspend
Appointment of

CXVI. And be it enacted, That whenever any Benefice whereof the King shall be Patron, or the Right of Presentation or Collation whereto

whereto shall be in any Archbishop, Bishop, or other Dignitary, or in any Ecclesiastical Corporation, shall, after the passing of this Act, become void in any Manner whatsoever, and that it shall appear to the Commissioners under this Act, by the Certificate of the Ordinary, that Divine Worship shall not have been celebrated therein for the Three Years next preceding the First Day of *February* One thousand eight hundred and thirty-three, then and in such Case it shall be lawful for the said Commissioners, if they shall so think fit, by an Instrument under their Corporate Seal, to direct that the Appointment, Presentation, or Collation of any Clerk to such Benefice shall be suspended until such Commissioners shall think fit by a like Instrument otherwise to direct; and in the meantime, and for and during such Period as such Benefice shall remain vacant, all and every the Tithes, Profits, and Emoluments whatsoever belonging or appertaining thereto, and all Arrears thereof which may have accrued due since the said Benefice may have become void as aforesaid, shall be vested in and received by the said Commissioners under this Act, to be by them applied to the building or repairing of the Church and Glebe House in the said Benefice; and if the Circumstances of such Benefice shall not require such Application of the said Funds, then to be paid into the general Fund under the Administration of the said Commissioners; and the said Commissioners shall have all and every the like Remedies for the Recovery of such Tithes, Profits, and Emoluments, and all Arrears thereof, as any Clerk filling such Benefice might or would have, and shall be for all such Intents and Purposes in the Place and Stead of such a Clerk; and it shall and may be lawful for the said Commissioners and the Archbishop or Bishop associated with them, pursuant to the Provision herein-after contained, in any Case where the Spiritual Wants of any Benefice so unfilled as aforesaid shall appear to require the Appointment of an Officiating Minister, so to declare, and to appoint such moderate Stipend or Salary to be paid to such Officiating Minister as they shall think proper, and thereupon the Bishop of the Diocese shall appoint and license a Curate for the Performance of Ecclesiastical Duties within such Benefice for and during such Period as the same shall remain unfilled; and in case the Spiritual Wants of such Benefice shall not appear to require the Appointment of such Curate, then and in such Case, and for and during such Period as aforesaid, the Cure of Souls, and all and every the occasional Duty or Duties within such Benefice so remaining unfilled as aforesaid, shall be committed to the Incumbent or Officiating Minister of some adjoining Parish, to be remunerated by a moderate Stipend or Salary, in like Manner fixed by the said Commissioners and the Archbishop or Bishop associated with them, such Incumbent or Minister to be nominated and appointed by the Ordinary, and whom such Ordinary is hereby required to nominate and appoint at the Request of the Commissioners under this Act, under such Regulations as he may think fit to make; and the Ordinary shall and is hereby required, when thereunto required by the Commissioners under this Act, to grant such Certificate as aforesaid in all such Cases as aforesaid; and the said Commissioners shall, from and out of the Tithes, Profits, and Emoluments of such Benefice hereby vested in them, pay to the

Clerk to any Benefice where Divine Worship shall not have been celebrated for Three Years.

Tithes and Profits of such Benefice to vest in Commissioners.

Application of them.

Authorizing the Appointment of an Officiating Minister in any unfilled Benefice, or the occasional Assistance of the Minister of some adjoining Parish.

Curate so appointed as aforesaid, or to the Incumbent or Officiating Minister to whom the Cure of Souls and occasional Duty shall have been committed, as the Case may be, such Stipend or Salary as may have been fixed and determined in manner aforesaid.

Archbishop or Bishop to be associated with Commissioners in determining upon Suspensions or Removals of Suspensions.

CXVII. Provided always, and be it enacted, That whensoever the said Commissioners under this Act shall propose to suspend the Appointment, Presentation, or Collation to any Benefice, under the Power herein-before vested in them, or of removing such Suspension if it shall have taken place, they shall in either of such Cases give Notice of such Intention to the Archbishop or Bishop of the Diocese in which such Benefice shall be situate, unless he happen to be one of the said Commissioners; and such Archbishop or Bishop shall be associated with the said Commissioners in determining upon the Propriety of directing or removing such Suspension as aforesaid, and shall and may vote upon all Questions relating thereto as if he were a Commissioner, and be deemed and taken to be for such Purpose or Purposes a Member of the said Corporation of the Ecclesiastical Commissioners of Ireland.

Statement to be made of Reasons for such Suspensions.

CXVIII. Provided also, and be it further enacted, That in any Case in which the said Commissioners shall direct that the Appointment, Presentation, or Collation of a Clerk to any Benefice shall be suspended, a full Statement of the Reasons on which such Direction was founded, comprising the several Particulars of the Extent of such Benefice, its annual Value, the Amount of the Population, the Number of Protestants residing within it, the Condition of the Church and Glebe House, if any, and the Quantity of Land belonging to it, shall be entered in a Book to be kept for that Purpose, and preserved among the Records of the Commission.

Certain Monies payable under 5 G. 4. c. 91. to be paid to Commissioners of this Act.

CXIX. ' And whereas by an Act made in the Parliament of the United Kingdom, in the Fifth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to consolidate and amend the Laws for enforcing the Residence of Spiritual Persons on their Benefices, to restrain Spiritual Persons from carrying on Trade or Merchandize, and for the Support and Maintenance of Stipendiary Curates*, Bishops are authorized and empowered to pay over certain Sums therein mentioned to the Trustees and Commissioners of First Fruits in Ireland, for certain Purposes therein also mentioned; be it therefore enacted, That all and every Payment made to the Commissioners of this Act, in the Manner and Form and for the Purposes directed and specified by said recited Act, with respect to Payments to said Trustees and Commissioners of First Fruits, shall be as good, valid, and effectual to all Intents and Purposes; and such Sums, when paid, shall be applied by the Commissioners of this Act for the Purposes in said recited Act mentioned, in the same Manner as if such Payments had been made to the said Trustees and Commissioners of First Fruits, and as if this Act had not been passed.

House purchased by Commissioners to be the House of Residence.

CXX. ' And whereas the Commissioners under this Act may hereafter purchase Houses not situate within the Parishes for which they are purchased, but so near as to be sufficiently convenient and suitable for the Residence of the Officiating Minister thereof; be it therefore enacted, That such Houses, having been previously approved by the Bishop by Writing under his Hand and Seal,

Seal, and duly registered in the Registry of the Diocese, shall be deemed Houses of Residence appertaining to such Benefices to all Intents and Purposes whatsoever.

CXXI. And be it further enacted, That it shall and may be lawful for the Commissioners of this Act to lend and advance all and every such Sum and Sums of Money, and to give such Consents, and to do and perform such Acts, Matters, and Things, and on such Securities, and in such Manner and Form respectively, as by any Statute or Law in *Ireland* in force at the passing of this Act the Trustees and Commissioners of First Fruits in *Ireland* might or were empowered or authorized to have lent and advanced, given and done, if this Act had not been passed; all which Securities, Loans, Consents, Acts, Matters, and Things, when made, entered into, given, and done, respectively shall be valid and effectual to all Intents and Purposes whatsoever, unless it is or shall be enacted or declared to the contrary or otherwise provided for by this Act, or by any other Act hereafter to be made; and that all and every Action or Proceeding for Breaches of Covenant, or otherwise, which has been commenced, or which might at any Time hereafter, if this Act had not been made, have been taken, commenced, and carried on by the said Trustees and Commissioners of First Fruits in *Ireland*, shall and may be commenced, taken, and carried on at any Time hereafter by the Commissioners of this Act, in the Name of their Secretary, as if they had been expressly named in any Deed, Covenant, Agreement, Writing, or Security, or in any Act or Acts of Parliament, on or under or by virtue whereof such Action or Proceeding might have been and shall be so commenced, taken, and carried on; and that all and every Sum and Sums to be recovered in any such Action or Proceeding shall and may be applied and disposed of by the Commissioners of this Act to such of the Purposes hereof as they in their Discretion shall think fit; and that the Commissioners of this Act shall pay, satisfy, and discharge, out of the Funds hereby vested in them, all Debts legally due by said Trustees and Commissioners of First Fruits in *Ireland*, whether for and on account of Salaries due to any of their Officers, Bills of Costs, or otherwise, or any other Account whatsoever, at the passing of this Act, which said Trustees and Commissioners of First Fruits would have been bound to pay if this Act had not been passed; and shall and may perform and execute all and every Covenant, Contract, or Agreement lawfully entered into and made by the said Trustees and Commissioners before the passing of this Act; and shall do and perform all and every Act, Matter, and Thing lawfully covenanted, agreed, or contracted to be done, performed, and executed by or on the Part of said Trustees and Commissioners of First Fruits, and which the said Trustees and Commissioners would have been bound to perform, execute, and do, if this Act had not been passed.

CXXII. And be it further enacted, That in case of any Refusal or Neglect of any Archbishop, Bishop, Archdeacon, Dean, Prebendary, Parson, Vicar, Curate, Incumbent, or other Spiritual Person as aforesaid, by whatever Name called, known, or described, or any other Person or Persons whatsoever, to make or cause to be made any of the Returns hereby required or directed to be made to the said Commissioners of this Act, or to do any Act, Matter, or Thing hereby

General Powers of Commissioners to do all Acts which Trustees of First Fruits could have done, if not otherwise provided for;

to bring Actions;

to pay Debts;

and to perform Contracts.

Mandamus may be directed to Persons making Default.

hereby directed or required to be done by them or any of them, it shall be lawful for the Court of King's Bench in *Ireland* to direct a Writ of Mandamus, or any other Writ that may be necessary, to any such Archbishop, Bishop, Archdeacon, Dean, Prebendary, or other Spiritual or other Person as aforesaid, to enforce the making such Returns, or the Performance of such Acts, Matters, and Things, by such Spiritual or other Person as aforesaid, pursuant to this Act.

Punishment for Perjury.

CXXIII. And be it further enacted, That if any Person, upon Examination on Oath or Affirmation before the said Commissioners of this Act, or the Commissioners to be named and authorized in and by any Commission to be issued in pursuance of this Act, or in any Affidavit, Deposition, or Affirmation before any Judge, Baron of the Exchequer, Vicar General, Surrogate, Master or Master Extraordinary in Chancery, or Justice of the Peace, in any Matter relating to the Execution of this Act, shall wilfully and corruptly give false Evidence, or shall in any such Affidavit, Deposition, or Affirmation wilfully and corruptly swear or affirm any Matter or Thing which shall be false or untrue, every such Person so offending, and being thereof duly convicted, shall be and is hereby declared to be subject and liable to such Pains and Penalties as by any Law now or hereafter to be in force in *Ireland* any Persons convicted of wilful and corrupt Perjury are or may be subject and liable to.

Lord Lieutenant, with Consent of Archbishop, Bishop, Dean, &c., may disunite Rectory, &c. from Archbishoprick, Bishoprick, Deanery, &c.

CXXIV. ' And whereas several Parishes, or the Tithes or Portions of Tithes and Glebes thereof, are appropriated or united to certain Archbishopricks, Bishopricks, Deaneries, Archdeaconries, Dignities, Prebends, or Canonries; and it is expedient that the same should be disappropriated, disunited, and divested out of such Archbishopricks, Bishopricks, Deaneries, Archdeaconries, Dignities, Prebends, or Canonries, and vested in the respective Vicars or Curates discharging the Duties of the Parishes in which the said Benefices, Tithes, or Portions of Tithes, are respectively situate: And whereas the now Deans of *Down* and *Raphoe* freely consent that such Arrangements as aforesaid should be made in respect of their several Deaneries, and the Parishes or Tithes or Portions of Tithes and Glebes appropriated or united thereunto;' be it therefore enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, and His Majesty's Privy Council there, in the Case of the said Deaneries of *Down* and *Raphoe*, when and as they may so think fit, and in the Case of any and every Archbishoprick, Bishoprick, or other Deanery, or Archdeaconry, Dignity, Prebend, or Canonry, by and with the Consent and Approbation of the Archbishop, Bishop, Dean, Archdeacon, Dignitary, Prebendary, or Canon thereof, or whensoever such Archbishoprick, Bishoprick, Deanery, Archdeaconry, Dignity, Prebend, or Canonry shall be void, to disappropriate, disunite, and divest any Rectory, Vicarage, Tithes or Portions of Tithes, and Glebes, or Part or Parts thereof, from and out of said Deaneries of *Down* and *Raphoe* respectively, or from and out of any Archbishoprick, Bishoprick, or other Deanery or Archdeaconry, Dignity, Prebend, or Canonry, and to unite any such Rectory, Vicarage, Tithes or Portions of Tithes to the Vica-

rages and Perpetual or other Curacies of such Parishes respectively, so that each such Rectory, Vicarage, Tithes or Portion of Tithes, and Glebes, or Part or Parts thereof, shall, with its respective Vicarage, Perpetual or other Curacy, form a distinct Parish or Benefice: Provided always, that whenever a Vicarage or Perpetual Curacy to which any Rectory, Vicarage, Tithes or Portions of Tithes, and Glebes, or Part or Parts thereof, shall have been so united as aforesaid, shall have been previous to such Union augmented either by the Trustees and Commissioners of First Fruits in *Ireland*, or by the said Ecclesiastical Commissioners, and that the whole of the net Income of the Benefice erected by such Union as aforesaid shall exceed the Sum of Two hundred Pounds, that then and in such Case the said Augmentation, or the Portion thereof whereby the whole Income of such Benefice shall exceed the Sum of Two hundred Pounds, shall cease and determine.

CXXV. Provided always, and be it enacted, That in case any Bishoprick shall by such Means as aforesaid be reduced below the annual Value of Four thousand Pounds, the said Commissioners under this Act shall, from and out of the Funds vested in them by this Act, pay to the Bishop of such Bishoprick for the Time being such annual Sum as may be necessary, at the Time of disappropriating the said Tithes or Portions of Tithes or Glebes, to make up such full annual Value of Four thousand Pounds.

In case Bishoprick be reduced below 4,000*l*. Commissioners to make up Deficiency.

CXXVI. And be it further enacted, That whenever, pursuant to the Provisions aforesaid, any Rectory, Vicarage, Tithes or Portion of Tithes, or Glebe or Portions thereof, shall be united to any Vicarage or Perpetual Curacy, then and in such Case the Right of Presentation to such Rectory, Vicarage, or Perpetual Curacy, in any and every Vacancy thereof happening at any Time after such Disappropriation and Union as aforesaid, shall belong to and be exercised by the King's Majesty, His Heirs or Successors, or by the Archbishop, Bishop, or other Dignitary, or Corporation or Person having the Right of Grant, Nomination, Election, or Appointment to the Dignity, Prebend, or Canonry whereunto such Rectory, Vicarage, Tithes or Portions of Tithes, or Glebe or Portion thereof, had, before such Disappropriation, been united or annexed, and the Dignitary, Corporation, or Person having the previous Right of Presentation to such Rectory, Vicarage, or Perpetual Curacy, in such Turns or Rotation and according to such Manner as the Lord Lieutenant or other Chief Governor or Governors and Privy Council of *Ireland* shall direct.

Patronage to be exercised by Person having Right of Appointment.

CXXVII. 'And whereas the Duties of Archbishops and Bishops in *Ireland* will be, by the aforesaid Unions and Consolidations of Dioceses, considerably increased: And whereas Doubts have arisen whether Archdeacons in *Ireland* can lawfully exercise the same Powers as may be exercised by Archdeacons in *England*;' be it therefore enacted by the Authority aforesaid, That the several Archdeacons in *Ireland* shall have and shall be deemed and taken to have and exercise all such Powers, Rights, Authorities, Privileges, and Jurisdictions within their respective Archdeaconries as any Archdeacons in *England* have or may exercise within their respective Archdeaconries by any Law, Statute, Canon, or general Custom in force in *England*.

Archdeacons in Ireland to have same Powers as Archdeacons in England.

CXXVIII. 'And

Tenants of
Bishops Lands
enabled to
apply for a Per-
petuity therein,
by Notice to the
Commissioners
under this Act.

CXXVIII. ' And whereas it is expedient that the Tenants or
' Lessees of the Lands of Archbishops or Bishops, and other Sole
' Ecclesiastical Corporations, in *Ireland*, should be empowered to
' purchase a perpetual Estate or Interest in such Lands and Pre-
' mises;' be it therefore enacted, That from and after the Com-
mencement of this Act it shall and may be lawful for any Tenant
or Tenants, Lessee or Lessees, holding or who shall hold under
or by virtue of any Lease or Contract for Term of Twenty-one
Years, or for Term of Twenty-one Years or Three Lives, or for
Three Lives, or for Term of Forty Years, immediately from and
under any Archbishop or Bishop or other Sole Ecclesiastical Cor-
poration in *Ireland*, any Lands, Premises, or Hereditaments belong-
ing to the respective Sees or other Spiritual Promotion or Dignity
of any such Archbishop or Bishop or other Sole Ecclesiastical
Corporation, to purchase the Fee Simple and Inheritance of and in
the said Lands, Premises, and Hereditaments so held by him or
them as aforesaid, in the Manner and at the Rate of Purchase
Money, and subject to the perpetual annual Rents, and to the
Provisoos, Restrictions, Regulations, and Conditions herein-after
mentioned; (that is to say,) that it shall and may be lawful for any
such Tenant or Lessee, by Notice in Writing under his Hand, to
notify to the said Commissioners under this Act, and to such Arch-
bishop or Bishop or other Ecclesiastical Person under whom such
Lands, Premises, or Hereditaments are or shall be held, that he,
such Tenant or Lessee, is ready and willing to purchase the Fee
Simple and Inheritance as aforesaid of and in the said Lands,
Premises, or Hereditaments so held by him under such Arch-
bishoprick or Bishoprick or other Spiritual Promotion or Dignity,
in the Manner and pursuant to the Provisions of this Act; and that
thereupon the said Commissioners shall and may and they are
hereby authorized and required to ascertain the annual Rent or
Rents now thereby reserved and payable by virtue of such Lease
or Contract out of the said Lands and Premises, and the Amount
of the Sum or Sums of Money theretofore paid or agreed to be
paid as and for the Fine or Fines and Fees for Renewal of any
such Lease or Interest of and in the said Lands and Premises, in
the Case of Leases usually renewed every or every alternate or
every third Year, for and during the Period of Nine Years next
preceding the Service of such Notice; and in the Case of Leases
usually renewed at longer Intervals, and in the Case of Leases for
Lives, for and during such Period as shall include the Three last
previous Occasions of such Renewal; and every such Archbishop
or Bishop, or other Ecclesiastical Person under whom the said
Lands and Premises shall be held as aforesaid shall, upon being
thereto required by the said Commissioners by Writing, certify to
the said Commissioners, by Writing under his Hand and Seal, the
Amount of such annual Rent, and every such Fine and Fines and
Fees so paid or agreed to be paid, or usually paid or payable as
aforesaid, for and during such Period as aforesaid; and that it shall
and may be lawful for the said Commissioners under this Act, and
they are hereby empowered, if they shall so think fit, or shall be
required by Requisition under the Hand and Seal of the said
Archbishop or Bishop or other Ecclesiastical Person, or Tenant or
Tenants,

Tenants, Lessee or Lessees, to issue a Commission under their Seal to inquire into and ascertain the Amount of such annual Rent and such Renewal Fine or Fines and Fees as aforesaid so paid or payable, or agreed to be paid, or usually paid or payable as aforesaid, for and during the Period aforesaid; which Commission shall issue in the same Manner, and subject to the like Rules and Regulations, with the like Powers, as is and are herein-before provided with respect to Commissions directed to be issued for inquiring into the annual Value of Ecclesiastical Benefices.

CXXIX. Provided always, and be it enacted, That it shall and may be lawful for the said Commissioners, and they are hereby empowered and directed, in each and every Case in which they shall proceed to ascertain the Amount of the annual Rent or Rents reserved and payable out of the Lands and Premises in which the Tenant, Lessee, or Assignee thereof shall be desirous to purchase the Fee Simple and Inheritance as aforesaid, to inquire and ascertain whether any and what Addition has been made to the Rent or Rents reserved and payable to any Archbishop or Bishop or other Ecclesiastical Person out of the said Lands and Premises since the Sixteenth Day of *August* in the Year One thousand eight hundred and thirty-two; and in case it shall appear that the said yearly Rent or Rents has or have been increased since such Period, and that such Increase has been made in consequence of the Change of the Liability to the Payment of the Composition for Tithes, then and in every such Case the said Commissioners shall separate the Sum or Sums which shall so appear to have been added on the aforesaid Account to the yearly Rent or Rents theretofore usually reserved and payable out of such Lands and Premises, and shall not include such additional Sum or Rent in the Rent to be reserved in any Conveyance of such Lands and Premises to be executed by them or him pursuant to this Act; and the said Commissioners shall ascertain, by reference to the Lease or Contract made next before the Reservation of such additional Sum or Rent, the annual and customary Rent or Rents (penal Rents or Sums in the Nature of penal Rents excepted) reserved and payable out of the said Lands and Premises; and such annual and customary Rent or Rents shall be deemed and taken to be the annual Rent reserved and payable out of such Lands and Premises.

CXXX. And be it further enacted, That when such Rent or Rents and Fine or Fines and Fees shall have been ascertained by any of the Ways or Means aforesaid, it shall and may be lawful for the said Commissioners appointed under this Act, and they are hereby directed, to take and estimate the yearly Average of the Renewal Fine or Fines theretofore paid or agreed to be paid or payable as aforesaid, which yearly Average of the said Fine or Fines and Fees, when so ascertained as aforesaid, together with and in addition to the yearly Rent or Rents theretofore reserved or made payable in and by such Lease or Contract as aforesaid, shall be the Amount of the annual Rent to be thereafter reserved and made payable out of the said Lands and Premises to such Archbishop or Bishop or other Ecclesiastical Person, and his Successors respectively, in and by the Deed of Conveyance herein-after mentioned, subject only to such Approval as herein-after mentioned, and to such Variation as may be made in the Amount thereof according

Commissioners in ascertaining Amount of annual Rent shall not include any Sum added thereto since 16th August 1832.

Commissioners shall estimate the Average of Renewal Fines, and adding thereto the Rent reserved on Lease, declare the Amount of the new Rent to be reserved.

Provision for
ascertaining
Amount of
Renewal Fines
in certain Cases.

according to the Price of Wheat or Oats in any Period of Seven Years, according to the Provisions herein-after mentioned.

CXXXI. Provided always, and be it enacted, That whenever it shall appear that such Renewal Fines and Fees have not been regularly paid during any such Period as aforesaid, it shall and may be lawful for the said Commissioners under this Act, and they are hereby empowered and directed, by all or any of the Ways or Means aforesaid, to ascertain the Amount as well of the annual Rent as of the annual or other Renewal Fine or Fines and Fees which have been paid, agreed to be paid, or payable, or which ought to have been paid in respect of the said Lands and Premises for and during such Period as aforesaid, according to the theretofore accustomed Mode of renewing such Lease or Interest, and to take and estimate accordingly the yearly Average of such annual or other Fine or Fines; which said yearly Average of such Renewal Fines, together with and in addition to the said annual Rent or Rents theretofore reserved and payable as aforesaid out of the said Lands and Premises, shall be the Amount of annual Rent to be reserved and made payable in and by the Deed of Conveyance or Demise herein-after mentioned, subject only to such Approval as herein-after mentioned, and subject to Variation according to the Price of Wheat or Oats, as herein-after also provided; and if it shall happen that no Fine or Fines have been paid or payable for renewing any such Lease or Interest as aforesaid for any such Period, or any Part of such Period, preceding the Service of such Notice as aforesaid, that then in every such Case it shall be lawful for the said Commissioners to take and estimate the yearly Average of such Renewal Fines and Fees according to such Proportion of the improved yearly Value as may, by the Custom of the Diocese or other Spiritual Promotion or Dignity under which the said Lands and Premises are held, have determined the Amount of Fines payable in respect of Lands and Premises held thereunder by like Tenure and Demise, (such improved yearly Value to be ascertained by all such Ways and Means as the said Commissioners shall think fit, or by the issuing of a Commission as last aforesaid, and subject to the like Rules and Regulations as such Commission last aforesaid,) or by reference to all the Circumstances of the Case, and to the Amount of the Tenant's beneficial Interest in such Lands and Premises, according to their Discretion, to fix, ascertain, and determine the yearly Average of such Renewal Fines and Fees; which said yearly Average, estimated, ascertained, and determined in any such Way or Manner as aforesaid, shall, together with and in addition to the annual Rent or Rents theretofore reserved and payable out of the said Lands and Premises, be the Amount of annual Rent to be thereafter reserved and made payable out of the said Lands and Premises to such Archbishop or Bishop or other Ecclesiastical Person, and his and their Successors respectively, in and by the Deed of Conveyance or Demise herein-after mentioned, subject only to such Approval as herein-after mentioned, and subject to Variation according to the Price of Wheat or Oats as herein-after provided.

Fines to be
computed on
average Duration
of Lives.

CXXXII. Provided, and be it further enacted, That in the Case of Leases for Lives the said Commissioners under this Act shall compute the yearly Average of the Renewal Fines and Fees
in

in such Manner as to them shall seem just with reference to the average Duration of Lives and beneficial Interests.

CXXXIII. And be it further enacted, That when and so soon as the said annual Rent so to be thereafter reserved and made payable out of the said Lands and Premises to such Archbishop or Bishop or other Ecclesiastical Person, and his Successors, shall have been ascertained and determined by the said Commissioners under this Act, by any of the Ways or Means herein-before mentioned, the said Commissioners shall and they are hereby directed to notify by Notice in Writing to the said Archbishop or Bishop or other Ecclesiastical Person under whom the said Lands and Premises are or shall be held as aforesaid, and to the said Tenant or Lessee of the said Lands and Premises who shall have applied to purchase the same as aforesaid, the Amount of the said annual Rent so ascertained to be thereafter reserved as aforesaid, together with the Amount of Purchase Money, to be by the said Commissioners computed as herein-after mentioned and required, to be paid by the said Tenant or Lessee for the Conveyance or Demise of the said Lands and Premises as aforesaid.

Notice to be given to Bishop by Commissioners.

CXXXIV. And be it further enacted, That whenever any Tenant or Tenants, Lessee or Lessees, holding or who shall at any Time hereafter hold immediately from and under the said Commissioners under this Act any Lands, Premises, or Hereditaments heretofore belonging or which shall hereafter belong to any Bishoprick united or hereafter to be united by virtue of this Act to any other Archbishoprick or Bishoprick, and which Lands, Premises, and Hereditaments, or the Reversion thereof, shall have been transferred to and vested in the said Commissioners by virtue of this Act, shall be desirous of purchasing the Fee Simple and Inheritance of and in the said Lands and Premises, such Tenant or Lessee or Lessees may, in such and the like Manner as herein-before mentioned with respect to Lands and Premises held immediately under any Archbishop or Bishop, notify such his or their Desire to the said Commissioners, who shall and may and they are hereby empowered, by all or any of the Ways and Means aforesaid, to ascertain the Amount of the annual Rent to be reserved and made payable in and by the Deed of Conveyance herein-after mentioned, in the same and the like Manner and according to the like Averages and Proportions, and subject to the like Provisions, as are herein-before mentioned and provided with respect to Lands and Premises held immediately from and under any Archbishop or Bishop as aforesaid; which Rent, when so ascertained by the said Commissioners as aforesaid, shall be the Amount of the annual Rent to be reserved and made payable to the said Commissioners and their Successors in and by such Deed of Conveyance, subject only to such Approval as herein-after mentioned, and to such Variation as may be made in the Amount thereof according to the Price of Wheat or Oats in any Period of Seven Years, according to the Provisions herein-after mentioned; and the Amount of such Rent, when so ascertained as aforesaid, shall thereupon be notified by a Notice in Writing by the said Commissioners to the Tenant or Lessee who shall have applied to purchase the said Lands and Premises as aforesaid, together with the Amount of Purchase Money, to be computed by the said Commissioners as herein-after mentioned,

Tenants of Lands vested by this Act in the Commissioners to take like Proceedings.

mentioned, required to be paid by such Tenant or Lessee for or on account of the Déed of Conveyance of the Lands and Premises so held by him as aforesaid.

Terms of proposed Purchase of Perpetuities to be subject to Approval of the Lord Lieutenant.

CXXXV. Provided always, That in each and every Case of such Purchase as aforesaid, before such Purchase shall be completed, the said Commissioners shall and they are hereby required to notify in Writing to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being in Council the Terms and Particulars of such proposed Purchase, the Purchase Money to be paid in respect thereof, and the annual Rent to be there-after reserved from and out of the said Lands and Premises so to be purchased, together with the Amount of the annual Rent and the average annual Fine for Renewal theretofore payable in respect of the said Lands and Premises, and ascertained as aforesaid; and no such Purchase shall be completed until the said Lord Lieutenant or other Chief Governor or Governors of *Ireland* in Council shall signify his Approval thereof.

On ascertaining Amount of Rent to be reserved, the Commissioners shall grant a Certificate to the Tenant, who shall pay Purchase Money into Bank of *Ireland*, and thereupon a Conveyance to be executed.

CXXXVI. And be it further enacted, That whenever the Amount of the annual Rent so to be thereafter reserved and made payable for and out of the said Lands and Premises to such Archbishop or Bishop, or other Ecclesiastical Person, and his Successors, or to the said Commissioners under this Act, as the Case may be, shall have been ascertained and determined on by any of the Ways and Means aforesaid, it shall and may be lawful for the said Commissioners under this Act, and they are hereby directed, if so required by such Tenant or Lessee, Tenants or Lessees, by Writing under his or their Hand or Hands so to do, to grant to such Tenant or Lessee, Tenants or Lessees, a Certificate under their Seal, stating the Terms of such Purchase, and the Amount of the said Purchase Money to be paid as aforesaid, and of the annual Rent to be reserved and made payable in and by the said Deed or Deeds of Conveyance herein-after mentioned; which Sum so ascertained and mentioned as such Purchase Money in, and by the said Certificate such Tenant or Lessee shall (if he shall think fit to complete such Purchase) pay or cause to be paid into the Bank of *Ireland*, to the Credit of the said Commissioners under this Act, under a distinct and separate Account, to be for that Purpose opened in the Books of the said Bank, to be called the Perpetuity Purchase Fund Account, within the Period of Six Calendar Months after the signing of the said Certificate; and thereupon, if the said Lands and Premises so to be purchased shall, previously to such Purchase, have been transferred to and become vested in the said Commissioners by virtue of the Provisions of this Act, then and in such Case, on the Production to the said Commissioners of the Receipt of the Cashier or Cashiers of the said Bank of *Ireland* for the Amount of such Purchase Money mentioned and specified in and by such Certificate, the said Commissioners shall and they are hereby required, in such Manner as herein-before provided as to the Execution of Deeds by them, to execute, seal, and deliver a Deed of Conveyance to such Tenant or Lessee of the Fee Simple and Inheritance of the said Lands and Premises, when the same shall be tendered for Execution by the said Tenant or Lessee, unto and to the Use of such Tenant or Lessee, his Heirs and Assigns, as he or they shall appoint, subject to such annual Rent as aforesaid; and

if the said Lands and Premises so to be purchased shall at the Time of such Purchase belong to or be held under any Archbishop or Bishop or other Ecclesiastical Person, then and in such Case on the Production by the said Tenant or Lessee to the said Archbishop or Bishop or other Ecclesiastical Person of the said Notice or Certificate so delivered by the said Commissioners as aforesaid, specifying the Amount of such annual Rent to be reserved and made payable in and by the said Deed of Conveyance, and specifying the Amount of Purchase Money to be paid for such Purchase as aforesaid, and upon Production of such Receipt of the said Cashier or Cashiers for such Purchase Money as aforesaid, such Archbishop or Bishop or other Ecclesiastical Person shall and he and they is and are hereby required and directed to execute, seal, and deliver a Deed of Conveyance of the Fee Simple and Inheritance of the said Lands and Premises to such Tenant or Lessee, when the same shall be tendered for Execution, subject to the annual Rent so ascertained as aforesaid; and if such Archbishop or Bishop or other Ecclesiastical Person shall, on the Production of such Notice or Certificate and Receipt as aforesaid, refuse or neglect to execute such Deed of Conveyance when tendered for Execution as aforesaid, for the Space of Two Calendar Months after such Tender shall have been made as aforesaid, then, upon satisfactory Proof being made to the said Commissioners of such Refusal or Neglect, by Affidavit to be sworn before any Judge, Surrogate, Vicar General, Master or Master Extraordinary in Chancery, or Justice of the Peace, which Affidavit or Oath they are hereby respectively empowered to take or administer, or upon Oath of a credible Witness to be examined by the said Commissioners, it shall and may be lawful for the said Commissioners, and they are hereby empowered and required, to execute, seal, and deliver the said Deed or Deeds of Conveyance in the Name of and on behalf of the said Archbishop or Bishop or other Ecclesiastical Person so refusing or neglecting to execute the same as aforesaid, and to affix the Corporate Seal of the said Commissioners to such Deed or Deeds, and to certify the Cause of their so executing the same by Writing at the Foot of or on the Back of the said Deed or Deeds; and such Execution of the said Deed or Deeds by the said Commissioners shall be as valid and effectual, to all Intents and Purposes whatsoever, as if the said Deed or Deeds had been duly executed by the said Archbishop or Bishop or other Ecclesiastical Person, in pursuance of this Act.

CXXXVII. Provided always, and be it further enacted, That the Recitals in any such Deed of Conveyance shall for all Purposes whatever be deemed conclusive Evidence of the Truth of the Facts therein stated.

Recitals in
Deeds of Con-
veyance con-
clusive.

CXXXVIII. Provided always, and be it further enacted, That the said Commissioners shall and they are hereby directed, at the Request of either Party, to insert or cause to be inserted in each and every the said Deed or Deeds of Conveyance a Statement of the average Price of Wheat or Oats (whichever of the Two they shall consider as the Corn principally grown in the County or District where such Lands are situate) for the Period of Ten Years immediately preceding the First Day of May next before the Service of such Notice by such Tenant or Lessee as aforesaid, calculated upon the Returns advertized in the *Dublin Gazette* during such

[No. 20. Price 2d.] U Period

The average
Price of Corn
for Ten Years
previous to be
inserted in the
Conveyance.

Period of Ten Years, which average Price the said Commissioners are hereby required and empowered to calculate and ascertain from such Returns as aforesaid.

A Counterpart to be executed and delivered to the Bishop or the Commissioners.

CXXXIX. Provided always, and be it further enacted, That the said Tenant or Lessee so purchasing the Fee Simple and Inheritance of and in such Lands and Premises as aforesaid shall seal and deliver a Counterpart or Counterparts of such Deed or Deeds of Conveyance, one Part whereof shall be delivered to the said Archbishop or Bishop or other Ecclesiastical Person, or to the said Commissioners, as the Case may be, to whom respectively the said annual Rent shall be so reserved and made payable as aforesaid.

Deeds to be enrolled, and Certificate registered.

CXL. And provided also, and be it further enacted, That the said Commissioners, or Archbishop or Bishop or other Ecclesiastical Person, as the Case may be, shall, in every Case of such Purchase, cause such Deed or Deeds of Conveyance to be enrolled in the Rolls Office of the High Court of Chancery in *Ireland* (for which Enrolment a Fee of Two Shillings and Sixpence only shall be demanded or paid); and the said Commissioners shall in every such Case cause a Certificate, specifying the Amount of the annual Rent and of the average Renewal Fine theretofore paid or payable on the several Occasions of renewing the Lease in the said Lands or Premises during such Period as aforesaid, to be registered in the Registry of the Diocese wherein the same shall be situate, and also to be enrolled in the Rolls Office of the High Court of Chancery in *Ireland* along with and annexed to the Enrolment of the said Deed or Deeds; an attested and compared Copy of which Certificate, when enrolled in the said Rolls Office as aforesaid, shall be and be deemed and taken to be conclusive Evidence of the Truth of the several Matters and Things therein contained as aforesaid.

Tenants not entitled to Perpetuity unless in Possession of fully renewed Leases, or unless all Renewal Fines are paid;

CXLI. Provided always, and be it enacted, That no Tenant or Lessee as aforesaid shall be entitled to have any such Conveyance of the Fee Simple and Inheritance made or granted to him or her, of whose Lease, if holding by Lease for the Term of Twenty-one Years, Twenty Years shall not be then to come and unexpired, or if holding by Lease for the Term of Forty Years, whereof Thirty-nine Years shall not be then to come and unexpired, or if holding by Lease for Twenty-one Years or Three Lives, or for Three Lives, all the Lives named wherein shall not be then in being, unless he or she shall, previous to the Execution of such Deed of Conveyance, pay all and every the Renewal Fines customably paid or payable on and for the Renewal of such Lease; nor shall any such Tenant or Lessee be entitled to such Conveyance of the Fee Simple and Inheritance unless all Rent and Arrears of Rent due upon and reserved by such Lease shall have been fully paid and satisfied.

Arrears of Rent to be also paid up.

Applications may be made every Seven Years for Variation of new reserved Rent, according to Increase or Decrease in Price of Corn.

CXLII. And be it further enacted, That it shall and may be lawful for such Archbishop or Bishop or other Ecclesiastical Person to whom, or the Purchaser, his Heirs, Appointees, or Assigns, by whom the Rent reserved by the said Deed of Conveyance shall be payable, to make an Application in Writing to the said Commissioners, at any Time within Four Months after the Expiration of Seven Years, to be computed from the First Day of *May* next preceding the Execution of such Deed of Conveyance as aforesaid, and in like Manner at any Time within Four Months after the

Expiration

Expiration of every subsequent Period of Seven Years, such Periods to be computed each from the Termination of the preceding Period, during the Continuance of such Grant as aforesaid, signifying the Desire of such Archbishop or Bishop or other Ecclesiastical Person, Purchaser, his Heirs, Appointees, or Assigns, to have the average Price of Wheat or Oats for the Seven Years preceding inquired of and ascertained, in order that the annual Rent reserved in and made payable by such Deed of Conveyance may be varied or increased or diminished for the ensuing Seven Years, in proportion to such average Price, of which Application due Notice in Writing shall be given to such Archbishop or Bishop or other Ecclesiastical Person, or such Purchaser, his Heirs, Appointees, or Assigns as aforesaid, as the Case may require; and in Cases in which the said Lands and Premises shall have been vested in and transferred to the said Commissioners, or the said annual Rent shall be payable to them, under the Provisions of this Act, then it shall and may be lawful for the said Commissioners, or such Purchaser, his Heirs, Appointees, or Assigns, at the Times and in the Manner herein-before mentioned, during the Continuance of such Grant as aforesaid, to cause a Notice to be served, in Cases of any such Notices by the said Commissioners, upon such Purchaser, his Heirs, Appointees, or Assigns, and in case of any such Notice by such Purchaser, his Heirs, Appointees, or Assigns, then upon the said Commissioners, signifying the Desire of the said Commissioners, or of the said Purchaser, his Heirs, Appointees, or Assigns, as the Case may be, that such average Price of Wheat or Oats for the Seven Years preceding the First Day of *May* next before the Service of such Notice may be taken and ascertained as aforesaid; and thereupon in each and every of such Cases it shall and may be lawful for the said Commissioners to ascertain the average Price of Wheat or Oats for the Term of Seven Years next preceding the First Day of *May* next before such Application or the Service of such Notice, and for that Purpose to nominate and appoint a Person to be Arbitrator for ascertaining the same accordingly; and such Arbitrator is hereby authorized and required, from the *Dublin Gazette*, to ascertain the Price of a Barrel of Wheat or Oats upon the Average of such Term of Seven Years preceding, and to state and set forth such average Price by his Report in Writing under his Hand, to be delivered to the said Commissioners; and if it shall appear that the average Price of Wheat (when Wheat shall be taken as the Measure of such Rent), or that the average Price of Oats (when Oats shall be taken as the Measure of such Rent), for such Seven Years preceding, is more or less by One Tenth than the average Price thereof set forth in the Deed or Deeds of Conveyance, then and in such Case the Amount of such annual Rent to be paid out of or in respect of the said Lands and Premises to such Archbishop or Bishop or other Ecclesiastical Person, or to the said Commissioners, as the Case may be, shall be increased or diminished by the said Commissioners in such Manner and to such Extent that the Amount of such annual Rent payable for and during the next ensuing Seven Years shall bear the like Proportion to the Amount of the annual Rent reserved and made payable out of the said Lands and Premises in such original Deed of Conveyance of the said Lands and Premises as the average Price of Wheat or Oats

ascertained at the Time of such Application shall bear to the average Price thereof set forth in such original Deed of Conveyance; and the said Commissioners under this Act shall thereupon, in Cases where the said annual Rent shall be payable to any such Archbishop or Bishop or other Ecclesiastical Person, grant to such Archbishop or Bishop or other Ecclesiastical Person, Purchaser, his Heirs, Appointees, or Assigns, or, in Cases where the said Rent shall be payable to the said Commissioners, shall, for the Purpose of Registry and Enrolment as herein-after mentioned, execute a Certificate under their Seal, setting forth the Amount of such revised or new annual Rent to be paid and payable out of the said Lands and Premises to such Archbishop or Bishop or other Ecclesiastical Person, or to the said Commissioners, as the Case may be, and cause Notice of or a Copy of the said Certificate to be given to or served upon such Archbishop or Bishop or other Ecclesiastical Person, and the Person or Persons who shall have purchased the Fee Simple and Inheritance of and in the said Lands and Premises, or to the Person or Persons who shall have become possessed of his or their Estate or Interest therein, and shall also cause such Certificate to be registered in the Registry of the Diocese wherein the said Lands and Premises shall be situate, and also to be enrolled in the Rolls Office of the High Court of Chancery along with and annexed to the Enrolment of such Deed of Conveyance; and a Copy of such Enrolment, duly compared and attested, shall be conclusive Evidence of the Amount of such revised and new annual Rent; and such revised and new annual Rent shall be paid to and received by such Archbishop or Bishop or other Ecclesiastical Person, or the said Commissioners respectively, as the Case may be, for Seven Years from and after the First Day of *May* next before the Service of such Notice, and until such revised and new annual Rent shall afterwards, upon a like Application, be again varied and ascertained according to the average Price of Wheat or Oats during the Term of Seven Years then last past; and the several Parties aforesaid are hereby respectively authorized to make such further Application from Time to Time after the Expiration of every Seven Years, during the Continuance of such Grant, in such and the like Manner and Form as herein-before directed with respect to the first Application; and the Costs, Charges, and Expences of every such Application, and of varying and re-ascertaining the Amount of such annual Rent, shall be defrayed by the Person or Persons who shall make such Application as aforesaid; and any such revised and new annual Rent shall, during the Period when it shall be so in force, stand in the Place of the said original annual Rent reserved and made payable out of the said Lands and Premises upon such Purchase or Conveyance of the said Lands and Premises, and shall be paid and recoverable and charged and chargeable upon the said Lands and Premises, and against the Purchaser, his Heirs, Appointees, or Assigns, in like Manner as the said original Rent reserved in and by such Deed of Conveyance, and subject to the same Regulations; and the several Clauses and Provisions hereof shall in every such Case apply as fully and effectually to any such revised and new annual Rent, to all Intents and Purposes, as if such revised and new annual Rent were the annual Rent originally reserved upon such Purchase in and by

the Deed or Deeds of Conveyance of the said Lands and Premises as aforesaid: Provided always, that the said Rent so reserved by such original Deed of Conveyance shall continue to be used as the Standard, by reference to which, together with the original Price of Wheat or Oats, the Rent is from Time to Time to be varied as aforesaid: Provided also, that in case any such Archbishop or Bishop or other Ecclesiastical Person, Tenant, Assignee, or Owner of such Lands and Premises purchased as aforesaid, who would respectively be entitled to receive or liable to pay such revised or new annual Rent as aforesaid, shall be dissatisfied with or dispute the Amount of the average Price of Corn so ascertained as aforesaid, or the Amount of any such revised and new annual Rent ascertained as aforesaid, it shall be lawful for such Archbishop or Bishop, or other Ecclesiastical Person, Tenant, Assignee, or Owner of such Lands and Premises, within One Calendar Month after being served with such Notice as aforesaid, to apply by Petition to such Court in such Manner and under and subject to such Regulations and Provisions as herein-after mentioned with respect to Disputes as to the Amount of any Purchase Money, or any Contribution thereto, or in respect thereof, to be paid by any Tenant, and such Court may vary the Amount of such revised and new Rent as the Case may require; and if the Amount of such revised and new annual Rent shall be varied by the said Court, upon such Petition, from the Amount thereof ascertained by the said Commissioners, then the Amount thereof so ascertained and adjudged by the said Court shall be the annual Rent of the said Lands and Premises for such Period as aforesaid, and subject to the Provisions and Regulations aforesaid as to such revised and new annual Rent, and shall be inserted in such Certificate to be registered and enrolled as aforesaid, instead of the revised and new annual Rent ascertained by the said Commissioners as aforesaid, and stand in the Place of the same to all Intents and Purposes; provided that any Party or Person so petitioning, and failing in such Petition, shall pay all the Costs in relation thereto.

CXLIII. And be it further enacted, That it shall and may be lawful for the said Commissioners under this Act to deduct and be paid, out of the Amount of such Purchase Money paid for the Purchase of the Fee Simple and Inheritance of and in any such Lands and Premises, such Sum or Sums of Money as shall be necessary for defraying the Costs or Expences necessarily or properly incurred by the said Commissioners, or by such Archbishop or Bishop or other Ecclesiastical Person, in and about or in respect of any such Purchase and Conveyance of the Fee Simple and Inheritance of and in the said Lands and Premises; and upon the Production of a Certificate, signed on behalf of the said Commissioners, specifying the Amount of such Costs and Expences incurred by such Archbishop or Bishop or other Ecclesiastical Person, or the said Commissioners, it shall and may be lawful for the said Governors and Directors of the said Bank of *Ireland* into whose Hands the said Purchase Money shall have been paid as aforesaid, and they are hereby directed, immediately thereupon, without further Order or Inquiry, to pay out of such Purchase Money to the said Commissioners, for defraying all such Costs and Expences, the Amount so specified in such Certificate; which Pay-

Expences of
Bishops and
Commissioners
to be deducted
from Purchase
Money.

ment and Certificate shall be received and allowed to such Governors and Directors of the said Bank of *Ireland*, in the Account of such Purchase Money, as a sufficient Discharge and Acquittance for the Amount thereof.

On Application for Purchase of Perpetuities, Applicant to deposit a Sum to defray Expenses of ascertaining Terms, and if he decline the Purchase, the Expenses to be deducted therefrom.

CXLIV. And be it enacted, That in all Cases of Applications for the Purchase of Perpetuities under this Act, the Applicant shall deposit or secure in such Manner as the said Ecclesiastical Commissioners shall appoint such Sum of Money as the said Commissioners shall think necessary to defray the Expenses which the said Commissioners may incur in ascertaining the Terms of the Purchase for which such Application shall be made; and in case such Applicant shall decline completing such Purchase, such Expenses as aforesaid shall be deducted from and out of the Money so deposited or secured, and the Surplus, if any, refunded to such Applicant; and in case such Applicant shall complete such Purchase, the whole Sum so deposited or secured shall be refunded, subject nevertheless to such Award as any Arbitrators appointed under this Act shall make in respect of the Expenses of such Arbitration.

Rates of Purchase Money.

CXLV. And be it further enacted, That for the Purpose of ascertaining the respective Amount of Purchase Money to be paid by any such Tenant or Lessee as aforesaid for the Purchase of the Fee Simple and Inheritance of and in any such Lands and Premises as aforesaid, the said Commissioners appointed under this Act shall inquire and ascertain, by the issuing of a Commission, with the like Powers and Authorities and subject to the like Regulations as any other Commission to be issued under this Act, or by such other Ways and Means as to them shall seem fit, the full improved yearly Value of the said Lands and Premises, such full and improved annual Value to be taken and estimated according to the usual and accustomed Mode of ascertaining and estimating the same by the Archbishop or Bishop or other Ecclesiastical Corporation Sole in whose Diocese or Dignity or Promotion such Lands and Premises shall be respectively situate, and shall estimate and compute, according to the best of their Knowledge, Skill, and Ability, the Value of the Fee Simple and Inheritance in such Lands and Premises, subject to the annual Rent to be reserved and made payable thereout by the Deed of Conveyance to be executed in manner herein-before appointed; and having estimated and computed the Value of such Fee Simple and Inheritance, subject to such Rent, the said Commissioners shall deduct therefrom Four Pounds *per Centum* on the Amount thereof, and ascertain and declare the Amount of such Value so reduced; and the said Commissioners shall also estimate and compute the Value of the Interest in such Lands and Premises possessed by such Tenant or Tenants, Lessee or Lessees, under his, her, or their then subsisting Lease, and shall determine and declare the Difference between the Value reduced by such Per-centage as aforesaid of such Fee Simple and Inheritance, subject to the Rent aforesaid, and the Value of the Interest possessed under such Lease, which Difference shall be the Amount of Purchase Money to be paid by such Tenant or Tenants, Lessee or Lessees, for the Perpetuity to be acquired under this Act; and the said Commissioners shall insert such Amount in the Certificate of the Terms of such Purchase to be

be by them granted to such Tenant or Lessee as herein-before provided: Provided always, that in case any such Tenant or Lessee shall be dissatisfied with the Amount of Purchase Money adjudged payable in manner aforesaid by the said Commissioners, the Matter shall be referred to Three Arbitrators, one to be appointed by the said Commissioners, another by such Tenant or Lessee, and the third by the Two Arbitrators appointed as aforesaid, within Ten Days after Notice in Writing to be given by such Commissioners, Tenant, or Lessee for that Purpose; and in case of the Death or Incapacity, or Refusal to act of any or either of the said Arbitrators, another shall be appointed in his Stead by the Party by whom or in whose Behalf he was so appointed, or by the said Two Arbitrators appointed by the Parties, as the Case may be, within Ten Days next after Notice thereof; and the said Arbitrators, or any Two of them, shall and are hereby authorized and empowered, by actual Survey or Valuation, or by the Examination of Witnesses upon Oath (which Oath the said Arbitrators are hereby empowered to administer), and by such other Ways and Means as they shall think proper, to compute, estimate, and determine, in like Manner as the said Commissioners are herein-before directed, the Amount of Purchase Money payable for the Perpetuity to be acquired under this Act, and to make their Award therein by Writing under their Hands and Seals, or under the Hands and Seals of any Two of them; and such Award shall be binding upon the said Commissioners, and they shall amend accordingly the Certificate of the Terms of the Purchase to be by them granted to such Tenant or Lessee, or grant a new Certificate in lieu thereof; and the Expences of such Arbitration shall be borne by the said Commissioners, or by the said Tenant or Tenants, or Lessee or Lessees, as such Arbitrators shall direct.

CXLVI. And be it further enacted, That the said annual Rent so reserved and made payable by any such Tenant or Lessee or Grantee out of or in respect of any such Lands and Premises, in any such Deed or Deeds of Conveyance thereof as aforesaid, and every such revised and new annual Rent as aforesaid, shall be recovered and recoverable by any such Archbishop or Bishop or other Ecclesiastical Person, and his Successors, or by the said Commissioners and their Successors, as the Case may be, by all or any of the Ways, Means, or Remedies which, according to any Law or Statute now in force in *Ireland* or hereafter to be made, is or are or shall be provided for the Recovery of any Rent Service upon any Lease for Life or for Years executed by any Landlord or Person seized in Fee Simple, and subject to all the like Rules and Regulations by Statute or otherwise, any Law, Usage, or Custom to the contrary notwithstanding: Provided always, that if in any Action of Ejectment to be brought on account of the Nonpayment of any such annual Rent, pursuant to the Statutes in force in *Ireland* as to Nonpayment of Rent, Judgment shall be had and given for the Plaintiff in such Action, and Execution shall have been executed, and such Tenant, Lessee, or Grantee who shall have so purchased the Fee Simple and Inheritance as aforesaid of and in such Lands and Premises, his Assignee or Assignees, or the Person or Persons who shall be then entitled to his Estate or Interest therein, shall not, within Six Months from the Time of such Execution executed,

Remedies for
Recovery of
reserved Rents.

do such Act or Acts or take such Proceedings as are or shall be by Law necessary for the Redemption of the said Lands and Premises from the said Judgment and Execution, pursuant to the said Statutes, then and in every such Case it shall and may be lawful for any Tenant, Under-tenant, or Owner of any derivative Lease, Estate, or Interest in the said Lands and Premises, who shall have contributed to the Purchase of the Fee Simple and Inheritance as aforesaid, his Assignee or Assignees, within Nine Months after such Execution executed, to do such Act or Acts or take such Proceedings for the Redemption of the said Lands and Premises from the said Judgment and Execution, and for obtaining Relief in respect of the same, as under the said recited Statutes any Mortgagee of a Lease might do or take for the Redemption of the said Lease, or his Estate or Interest therein, from any Judgment and Execution in any Action of Ejectment for Nonpayment of Rent, pursuant to the said Statutes, and for obtaining Relief in respect of the same, and with the like Effect to all Intents and Purposes; and after such Redemption the Sum or Sums of Money so paid or advanced for or on account of such Redemption, and the Costs thereof, shall be and be deemed a Lien and Charge upon such Estate or Interest of such Tenant or Person so failing or neglecting to pay the same, or to take such Proceedings for such Redemption as aforesaid, and shall be payable, with Interest, to such Person who shall have so paid or advanced such Sum or Sums or obtained such Redemption, or the same shall be recoverable by him (at his Election) from such Person so failing or neglecting as aforesaid, in and by any Action of Debt.

Upon Application of Owner, the Archbishop, &c. may apportion the yearly Rent then charged on Lands on Parts of such Lands only.

CXLVII. And be it further enacted, That it shall and may be lawful for any Owner, his Heirs, Appointees, or Assigns, at any Time after the passing of this Act, upon a Division of the Lands or Premises held by him or them, either by Sale or otherwise (except by Lease or Demise at Rack Rent), to make an Application in Writing to any Archbishop or Bishop or other Ecclesiastical Person under whom he or they shall then hold the said Lands or Premises, or to the Commissioners under this Act in case the said Lands and Premises shall have been vested in and transferred to the said Commissioners, signifying the Desire of such Applicant that the yearly Rent or Rents then charged or to be charged on the said Lands and Premises by such Deed of Conveyance as aforesaid shall be divided and apportioned upon Parts of the said Lands and Premises only; and thereupon in each and every such Case such Archbishop or Bishop or other Ecclesiastical Person, or the said Commissioners, as the Case may be, shall and he or they is and are hereby authorized and required to divide or apportion the Whole or any Part of the said yearly Rent or Rents as aforesaid in such Manner and Proportions as by such Application may be required, Regard being had to the Security of the several Parts or Proportions of the said yearly Rent or Rents; and in case of any Disagreement in respect of such Apportionment, then the same shall be made by One or more Valuers, to be in all Cases nominated by the said Commissioners; and the Expence of such Apportionment shall be in all Cases defrayed by the Party applying for the same; and such Archbishop or Bishop or other Ecclesiastical Person, or the said Commissioners, or, in case of such Disagreement

Disagreement as aforesaid, such Valuator or Valuers, shall declare what Parts and Proportions of the said yearly Rent or Rents respectively shall in future be severally charged upon any Part or Parts of the said Lands and Premises, and shall state the Names and Denominations, the Number of Acres, and the Metes and Bounds of each Portion, and the Amount of Rent to be reserved and made payable out of each such Portion respectively; and after every such Apportionment the yearly Rents or Sums so apportioned shall be reserved and be made and be payable in such Parts and Proportions, and chargeable only upon such Proportions of the said Lands and Premises as shall be so declared to be liable to the Payment thereof respectively; and in case the said Apportionment shall be made before the Execution of a Conveyance of the Fee Simple and Inheritance, pursuant to this Act, then and in every such Case it shall and may be lawful for such Archbishop or Bishop, or for the said Commissioners, to execute separate Conveyances, in the Manner herein-before directed for executing Conveyances, of each such Part or Proportion of the said Lands and Premises, subject only to the proportionate Rent payable in respect thereof; and in case a Conveyance shall have been made or executed by such Archbishop or Bishop, or the said Commissioners, of the said Lands and Premises, then and in every such Case the said Archbishop or Bishop, or the said Commissioners, shall execute, under his or their respective Seal, a Certificate setting forth the said Apportionment, and the Amount of the Rent to be charged or chargeable upon each Portion of the said Lands and Premises, and shall cause the same to be registered in the Registry of the Diocese wherein the said Lands and Premises shall be situate, and also to be enrolled in the Rolls Office of the High Court of Chancery along with and annexed to the Enrolment of the Deed of Conveyance of such Lands and Premises as aforesaid; and after such Registry and Enrolment of such Certificate the said Lands and Premises shall thenceforward stand and be charged and chargeable with the said yearly Rent or Sums in such Parts and Proportions only and in such Manner as shall be specified in such Certificate; and a Copy of such Enrolment, duly compared and attested, shall be conclusive Evidence of the Amount of Rent with which each respective Portion of the said Lands and Premises stands charged and chargeable.

CXLVIII. And be it further enacted, That immediately upon the Execution of such Deed of Conveyance as aforesaid of the said Lands and Premises, under the Provisions of this Act, the said Lands and Premises in the said Deed of Conveyance mentioned, and the Estates or Interests thereby so granted, shall thereupon respectively go to and be vested in, settled upon, and enjoyed by the same Person or Persons, for the like Estate, Estates, or Interests, and to and upon the same Uses, Trusts, Intents, and Purposes respectively, (or as near thereto as the Nature of each Case and the Difference of Interest will admit,) as the said Lands and Premises stood settled or limited to, for, or upon, or such of them as at the Time of making such Conveyance shall be existing undetermined and capable of taking effect: Provided always, that the Execution of such Deed of Conveyance as aforesaid shall operate as and be and be deemed to be, to all Intents and Purposes, a Surrender of all and every the then previously subsisting Term or Terms of Years, Estate, or Interest in the said Lands and Premises

Lands comprised in new Conveyances to be settled to former Uses.

Premises derived from or under such Archbishop or Bishop or other Ecclesiastical Person, or the said Commissioners, as the Case may be; and the same and every of them shall thenceforth cease, determine, and be for ever extinguished.

Tenant acquiring Perpetuity shall renew to inferior Tenants when bound by toties quoties Covenant.

CXLIX. And be it further enacted, That whenever any such Tenant or Lessee who shall have purchased and acquired as aforesaid the Fee Simple and Inheritance of and in such Lands and Premises previously held by him as immediate and superior Tenant under such Archbishop or Bishop or other Ecclesiastical Person, or the said Commissioners appointed under this Act, shall, by virtue of any Lease, Covenant, or Contract theretofore made or entered into, be bound to renew to any other Person or Persons any Lease of any such Lands and Premises, either as often as such Archbishop or Bishop or other Ecclesiastical Person respectively shall renew the Lease of such Lands and Premises to him such immediate superior Tenant, or in any other Manner, then and in every such Case the Conveyance of the Fee Simple as aforesaid of and in the said Lands and Premises as aforesaid to such immediate and superior Tenant (or the Payment from Time to Time of the annual Rent out of the said Lands and Premises to the said Archbishop or Bishop or other Ecclesiastical Person, or to the said Commissioners respectively,) shall (so long as the said Estate or Interest thereby granted shall continue) in all Courts of Law and Equity, and to all Intents and Purposes whatsoever, as to such under Tenant or inferior Tenant, or Person or Persons having any such derivative Estate or Interest, and being entitled to the Benefit of such Covenant or Contract for Renewal, and as to all other derivative Estates or Interests in the said Lands and Premises dependent upon such Covenant, Contract, or Agreement for Renewal, be and be deemed, taken, and construed to be a Renewal by such Archbishop or Bishop or other Ecclesiastical Person, or otherwise, from Time to Time of the Lease of such immediate and superior Tenant, for the Purposes of and within the true Intent and Meaning of such Covenant, Contract, or Agreement for Renewal aforesaid.

Contribution of inferior Tenants, how ascertained.

CL. And be it further enacted, That when the Fine to be paid upon the Execution of any such Renewal as before mentioned shall have been, by such Covenant, Contract, or Agreement for Renewal, agreed to be a certain or ascertained Proportion of or dependant upon the Amount of the Renewal Fine to be paid by the immediate superior Tenant of such Lands to such Archbishop or Bishop or other Ecclesiastical Person as aforesaid, then and in such Case, upon and after the Completion of such Purchase of the Fee Simple of and in the said Lands and Premises as aforesaid, the Amount of such Proportion of such Renewal Fine payable by such under or inferior Tenant shall be ascertained by reference to the Amount of the average Renewal Fine payable previously to the said Purchase, as appearing in the Certificate of the said Commissioners appointed under this Act, registered in the Registry of the Diocese, and enrolled in the Rolls Office of the Court of Chancery as aforesaid, ascertaining the Amount of the average Renewal Fine payable by the immediate superior Tenant of the said Lands previously to such Purchase and Sale of the Fee Simple and Inheritance therein as aforesaid, and in no other Manner whatsoever.

Fine for Renewal to be ascertained

CLI. Provided always, and be it further enacted, That such Fine to be paid upon the Execution of any such Renewal as aforesaid

aforesaid shall be subject to such Variation as may be made in the Amount thereof according to the Price of Wheat or Oats in any Period of Seven Years, according to the Provisions herein-before contained, such Variation to be applied for and ascertained in the like Manner, and subject to like Regulations, so far as the same are applicable, as herein-before provided in respect of the Variation of the new Rents to be reserved under this Act.

according to
average Price of
Wheat or Oats.

CLII. ' And whereas such Purchase of the Fee Simple and Inheritance of and in such Lands by such immediate superior Tenant of such Archbishop or Bishop or other Ecclesiastical Person, or the said Commissioners, will, pursuant to the Provisions hereof, enure to the Benefit of all Persons having derivative Estates or Interests in the said Lands by virtue of Leases containing Covenants or Contracts for Renewal, and it is just that all Persons having such derivative Interests and claiming the Benefit of the Provisions of this Act should contribute to the Expence of such Purchase ;' be it therefore enacted, That whenever any such Tenant of such Lands, holding the same immediately from and under such Archbishop or Bishop or other Ecclesiastical Person, or the said Commissioners, shall have purchased the Fee Simple and Inheritance as aforesaid of and in the said Lands and Premises at a certain Rate of Purchase Money as aforesaid, pursuant to the Provisions of this Act and shall, after completing such Purchase, be bound, under the Provisions of this Act, or otherwise, to renew any Lease or Leases of any of the said Lands and Premises to any under or inferior Tenant, or any other Person or Persons, all and every such Person and Persons having any derivative Estate or Interest in the said Lands and Premises immediately or mediately from, through, or under such immediate superior Tenant who shall have made such Purchase as aforesaid, shall respectively contribute towards the Amount of the Purchase Money thereof, or towards reimbursing and paying of a Proportion of the same, each to his own next immediate Landlord, according to the Value of their respective Interests, in manner following ; that is to say, it shall and may be lawful for such immediate superior Tenant who shall have made such Purchase as aforesaid, his Executors and Administrators, by Notice in Writing, to call upon and require all and every such his under or inferior Tenant or Tenants, or Persons holding immediately from or under him, as shall be entitled to any Estate or Interest in any of such Lands and Premises by virtue of any Lease or Contract containing any Covenant or Agreement for Renewal of such Estate or Interest, to contribute respectively towards such Purchase Money in proportion to the Value of his or their respective Estate or Interest in the said Lands and Premises, or any of them ; and in like Manner it shall and may be lawful for any such under or inferior Tenant or Person holding the said Lands and Premises, or any of them, upon being served with such Notice requiring from him such Contribution as aforesaid, by Notice in Writing to call upon and require all and every under or inferior Tenant, or Person or Persons holding immediately from or under him respectively any of such Lands and Premises, by virtue of any Lease or Contract containing any Covenant or Agreement for Renewal, to contribute, in proportion to the Value of his or their respective Interest, towards such Sum of Money to be paid as such Contribution as aforesaid by such his or their next immediate

Persons having
derivative Es-
tates shall con-
tribute towards
Purchase
Money.

mediate Landlord; and so in like Manner every under or inferior Tenant of or Person holding any of such Lands and Premises, upon being so called upon for any such Contribution as aforesaid, may and is hereby empowered, by Service of a Notice in Writing, to require a Contribution in like Manner from any Tenant or Person holding under him or them respectively under by virtue of any Lease or Contract containing any Covenant or Agreement for Renewal.

Disputes between superior Tenants and others, how to be determined.

CLIII. And be it further enacted, That it shall and may be lawful for any such immediate superior Tenant of the said Lands under such Archbishop or Bishop or other Ecclesiastical Persons, or the said Commissioners, as the Case may be, or for any under or inferior Tenant or other Person as aforesaid having or claiming any derivative Estate or Interest in any of the said Lands and Premises immediately or mediately from, through, or under such superior Tenant, under or by virtue of any Lease or Contract containing a Covenant or Agreement for Renewal, in case any Dispute or Difference shall arise between them or any of them respectively as to the Sum of Money to be paid by any such inferior Tenant to any such his next immediate Landlord or the Person from whom he holds the said Lands, or any of them, as and for a Contribution towards such Purchase Money as aforesaid, or towards reimbursing to such his next immediate Landlord or Person from whom he holds as aforesaid a Proportion of the Sums of Money paid or payable by such his next immediate Landlord as and for a Contribution in respect of such Purchase as aforesaid, or in case during the Period of Six Calendar Months from the Service of any such Notice as last aforesaid there shall be an Omission or Neglect by any of such Parties or Persons to agree with respect to any such Contribution, or in case within such Time no Agreement shall be made with respect to the same, or in case any such Dispute shall arise respecting any Mortgage or Sale of any Land or Premises for raising any Contribution Money or Part thereof, or respecting the Variation of any Fine, as herein-after provided, according to the Price of Wheat or Oats, or respecting the Reservation of any additional and increased annual Rent to be reserved in lieu or stead of any Contribution under the Provisions herein-after contained, in any of such Cases to present a Petition to the High Court of Chancery or Court of Exchequer in *Ireland*, stating the Premises respectively as the Case may be, and praying the proper or necessary Relief in relation to the said Matters; whereupon it shall and may be lawful for such Court, without requiring Proof of any Notice of such Petition being given to or served upon any Person or Persons, to make an Order referring the Matter of such Petition to one of the Masters of the Court of Chancery, or to the Chief Remembrancer of the Court of Exchequer, as the Case may be, directing such Master or Chief Remembrancer to inquire and report concerning the said Matters or any of them, as such Court shall direct; and thereupon it shall and may be lawful for the said Master or Chief Remembrancer, as the Case may be, to summon before him any of the said Parties, or any Person or Persons, and to examine him or them, upon Oath, respecting any of the Matters so referred to him, and upon Appearance of, or Proof of Service of Notice of such Petition and Order upon, any such Person or Persons to be affected by such Petition, to inquire and make his Report concerning the said Matters so referred to him, as in other Cases of

References

References to any such Master or Chief Remembrancer under the Orders of such respective Courts; to which Report of such Master or Chief Remembrancer it shall be lawful for any of the said Parties to the said Petition or to be affected by it to take an Exception or Exceptions as in other Cases of Exceptions taken to any Reports of such Master or Chief Remembrancer; and upon the Hearing of such Report when not excepted to, or upon the Hearing of such Exceptions to such Report when any such shall have been taken thereto, it shall and may be lawful for such Court to make such Order for the Payment of such Sum or Sums of Money by such Person or Persons as shall be found to be chargeable with the same by such Report, or of such Sum or Sums of Money by such Person or Persons as, upon Exceptions taken to such Report, the said Court shall deem to be properly chargeable with the same, to be paid within Three Calendar Months from the Time of Service of such Order of the said Court, in such Manner as such Court shall think fit, or such other Order as the said Court shall think fit; and such Order of such Court shall be final and conclusive, and without any Appeal therefrom; and the said Court may order the Costs of any such Proceedings in relation to the said Petition to be paid by or to any of the said Parties respectively, as the said Court shall think fit, which said Order or Orders shall and may be served either in the Manner herein-after provided, or in such other Manner as the said Court shall think fit to direct: Provided always, that it shall and may be lawful for any such immediate superior Tenant of such Lands and Premises, if he shall so think fit, to make all the Tenants or Persons having or claiming any derivative Estate or Interest in the said Lands, whether immediately or mediately from, through, or under him by virtue of any Covenant for Renewal, Parties to any such Petition, for the Purpose of having all the Sums of Money payable by or chargeable upon all and every of such Persons in respect of any such Contribution simultaneously ascertained.

CLIV. And be it further enacted, That if any such Person or Persons having or claiming any such derivative Estate or Interest in such Lands and Premises by virtue of any Lease or Contract containing any such Covenant or Agreement for Renewal, having been served with any such Notice calling on him or them for any such Contribution as aforesaid, shall by Writing decline or refuse to take or accept a Renewal of such Estate or Interest, subject to the Provisions of this Act, or who being so served with any such Order of such Court as aforesaid shall neglect or refuse to comply with the Terms of such Order for or during the Period of Three Calendar Months from the Time of the Service of such Order as aforesaid, every such Person so declining or refusing to take or accept such Renewal as aforesaid, or neglecting or refusing to comply with such Order as aforesaid, his or their Heirs, Executors, Administrators, and Assigns, and all other Persons claiming under him, or claiming any Benefit or Interest under any such respective Lease or Contract containing such Covenant or Agreement for Renewal, shall for ever thereafter be barred of and from all Right, Benefit, and Advantage, in Law or Equity, in, of, and from such Covenant or Agreement for Renewal, or to obtain any new Lease of the said Lands and Premises respectively; and every such Person or Persons, his or their Heirs, Executors, Administrators, and Assigns, and all

Persons having derivative Estates, and failing to pay Contribution, shall forfeit Right of Renewal.

Persons

Persons claiming any Benefit of such respective Covenant or Agreement for Renewal, shall be thenceforth for ever barred from all Relief in any Court of Law or Equity in respect of any such Covenant or Agreement for Renewal: Provided always, that any such Order of any such Court as aforesaid shall and may be enforced by any of the Ways or Means by which any Order pronounced by such Court in any Suit in Equity upon a Bill filed may be enforced, save only as against any Person or Persons who, being entitled to any such derivative Estate or Interest as aforesaid, shall have, by Notice in Writing, declined or refused to take or accept any Renewal of such Estate or Interest.

Tenants enabled to mortgage, in order to raise Purchase Money; or to give a Mortgage in lieu of Money.

CLV. And be it further enacted, That whenever it shall happen that any immediate and superior Tenant of such Lands, or any other Tenant or Person having any derivative Estate or Interest in such Lands and Premises immediately or mediately from, through, or under any such immediate superior Tenant of such Lands (other than and except Tenants at Rack Rent for Years, or from Year to Year, or at Will,) shall be unable or unwilling to pay or advance such Sum or Sums of Money as shall be ascertained, agreed, or adjudged as aforesaid to be payable by any such Person or Persons respectively for or on account of such Purchase Money or Contribution in respect of such Purchase Money as aforesaid, it shall and may be lawful for any of such Persons, in lieu of paying or advancing any such Sum or Sums of Money respectively, or the whole Amount thereof respectively, to grant to the Person or Persons respectively entitled to receive any such Sum or Sums of Money, or to any other Person or Persons who shall be willing to advance such Sum or Sums of Money, a Mortgage of the said Lands and Premises so held or possessed by him or them respectively, or of their respective Estate or Interest therein, (subject nevertheless to such annual Rent as aforesaid, and to any Head Rent payable thereout,) for securing the Payment of such Sum or Sums of Money so to be paid by him or them respectively, with Interest thereon at the Rate of Five Pounds by the One hundred Pounds Sterling for a Year, or for securing the Payment of so much of such Sum or Sums of Money as shall not be paid or advanced; or (for the Purpose of paying and satisfying such Sum or Sums of Money, or raising Money to pay and satisfy the same,) to sell and convey to such Person or Persons respectively entitled to receive such Sum or Sums of Money, or to any other Person or Persons who shall be willing to advance such Sum or Sums of Money upon the Purchase thereof, and to their respective Heirs, Executors, Administrators, and Assigns, such Part or Parts of such Lands and Premises belonging to them respectively, or his or their respective Estate or Interest therein, (subject to such annual Rent as aforesaid, and to any Head Rent payable thereout,) as shall be equivalent in Value to such Sum or Sums of Money so to be paid, or to such Portion thereof as shall not be paid or advanced; and any such Mortgage, Sale, or Conveyance of any such Lands and Premises, or of any Estate or Interest therein, granted, made, or executed in manner and for the Purposes aforesaid, and when the Money (if any) raised thereby shall have been applied to the Purposes aforesaid, shall (subject always to such annual Rent as aforesaid, and to any such Head Rent as aforesaid,) have Priority and Precedence in Law and Equity, as against such granting and executing Party, and all Persons claiming the same Estate or Interest,

terest, or claiming from, through, or under or after him, over all other Charges and Incumbrances or Estates affecting the said Lands and Premises so mortgaged, sold, or conveyed, or affecting the Estate and Interest therein of the Person or Persons so granting such Mortgage or executing such Sale or Conveyance; and if any such Mortgage, Sale, or Conveyance shall be made for the Purposes aforesaid by any such immediate and superior Tenant of such Lands, in lieu of Payment of such Purchase Money as aforesaid, the same shall be made or executed to or to the Use of His Majesty, His Heirs and Successors, or to any Commissioners or Persons by him or them appointed, to the Use of His Majesty, His Heirs and Successors: Provided always, that the Title of any of such Lands and Premises, when so mortgaged, sold, or conveyed to His Majesty, His Heirs or Successors, shall not be impeached by reason of any Defect therein whatsoever: Provided also, that if any such Mortgage, Sale, or Conveyance as herein-before mentioned shall have been made or executed to the Person or Persons respectively entitled to receive any such Contribution in respect of any such Purchase Money as aforesaid, the granting, making, and executing the same shall be deemed a sufficient Compliance with any Order of any such Court for Payment of any such Contribution by the Person or Persons making or executing such Mortgage, Sale, or Conveyance as aforesaid, any thing herein contained to the contrary notwithstanding.

CLVI. And be it further enacted, That whenever any under or inferior Tenant, or Person or Persons having or holding any derivative Estate or Interest immediately or mediately from, through, or under any such immediate and superior Tenant of the said Lands, by virtue of a Lease or Instrument containing a Covenant or Agreement for Renewal, shall be unable or unwilling to pay or advance either the Whole or a certain Portion of such Sum of Money as shall be agreed or ascertained or adjudged as aforesaid to be payable by him or them respectively for such Contribution in respect of such Purchase as aforesaid, it shall and may be lawful for the Tenant or Tenants, Owner or Owners of such derivative Estate or Interest, at his or their Election, (in lieu of paying or advancing such Sum or Sums of Money for such Contribution, and in lieu of mortgaging or selling a Portion of such Lands and Premises, or his Estate or Interest therein as aforesaid,) to bind himself, his Heirs, Executors, Administrators, and Assigns, to pay for such Lands and Premises so held by him, to his next immediate Landlord, or to the Person or Persons from or under whom he immediately holds the same, an additional annual Rent over and above the annual Rent to be otherwise reserved, payable by him or them for or in respect of the said Lands and Premises, such additional annual Rent to be equal in Amount to the annual legal Interest, at the Rate of Six Pounds *per Centum* for a Year, of such Principal Sum of Money as shall be so ascertained or agreed or adjudged to be paid by such Tenant or Owner of such derivative Estate or Interest for or in respect of such Contribution as aforesaid, or of such Part of such Principal Sum as shall not have been paid or advanced; and in such Case it shall and may be lawful for such Tenant or Owner of such derivative Estate or Interest to give to his next immediate Landlord, or the Person or Persons from or under whom he immediately holds the said Lands and Premises, a Notice in Writing, stating such his Election

Inferior Tenants authorized to bind themselves to pay an increased Rent instead of Contribution.

Election to pay such additional annual Rent as aforesaid, in lieu of paying or advancing the Amount of such Contribution Money or a certain Portion thereof.

Such Rents to be a Charge on Tenant's Interest, but liable to Redemption.

CLVII. Provided always, and be it further enacted, That from the Time of giving such Notice as last aforesaid the said Lands and Premises or Estate and Interest so held by such under or inferior Tenant or Owner of such derivative Estate or Interest, and such under or inferior Tenant or Owner thereof, his Heirs, Executors, Administrators, and Assigns, shall be thenceforth, during the Continuance of such Estate or Interest, or any Renewal thereof, save as herein-after mentioned, charged and chargeable with such additional annual Rent, over and above any other annual Rent payable by him or them to such his or their next immediate Landlord, or to the Person or Persons from or under whom he or they shall hold the said Lands and Premises, such additional annual Rent to be paid at the same Times, in the same Manner, and to such and the same Persons, and to be recoverable by all the Ways, Means, and Remedies, and subject to the same Rules and Regulations, as if the same were Part of and added to such annual Rent as aforesaid before payable, and had been made payable and reserved in and by the Deed or Instrument of Renewal executed or to be executed as aforesaid to such under or inferior Tenant or Owner as aforesaid; the first Gale of such additional Rent to be paid on the first Gale Day for Payment of such other Rent next after the giving of such Notice; provided that the making of such Election, and the giving of such Notice, and the Payment of such additional Rent by such under or inferior Tenant or Owner of such derivative Estate or Interest, shall be deemed and taken to be a sufficient Compliance with any Order as herein-before mentioned to be made by the Court of Chancery or Court of Exchequer for the Payment of such Contribution Money as aforesaid by such Tenant or Owner of such derivative Estate or Interest: Provided also, that it shall and may be lawful for such under or inferior Tenant or Owner of such derivative Estate or Interest, having served such Notice as last aforesaid, and being liable to the Payment of such last-mentioned additional Rent, to redeem the Whole or any Portion of such additional Rent, by paying at any Time thereafter to such his next immediate Landlord of the said Lands and Premises, his Executors or Administrators, or Assigns, the Whole or any Portion of such Contribution Money payable in respect of such derivative Estate or Interest, in manner following; (that is to say,) that from such Time when the Whole or a Portion of such Contribution Money shall be so paid as last aforesaid, the Whole or so much of such additional Rent as shall be equivalent to the Interest of such Sum of Money so paid, at the Rate of Six Pounds *per Centum* for a Year, shall cease and determine; and the Owner of such derivative Estate or Interest, and his Assigns, and such Lands and Premises so held by him or them, shall from the Time of such Payment cease to be liable to the Payment of the Whole or of such Portion of the said additional Rent, as the Case may be.

Tenants for Life or other limited Interest shall be first Incumbrancers for Monies advanced by them.

CLVIII. And be it further enacted, That if any Person, who by reason of being possessed of an Estate or Interest in such Lands, shall become liable to pay any Part of such Purchase Money required for the Purchase of the Fee Simple and Inheritance of and in such Lands and Premises, or such Contribution Money in

in respect of such Purchase as aforesaid, and shall have paid or advanced the same or such Portion thereof as he was liable to pay as aforesaid, shall, by virtue of any Deed, Will, Instrument, Contract, or otherwise, be seised or possessed of or entitled to only a limited Interest as Tenant for Life, or other like limited Interest, in such Lands and Premises, or in such Estate or Interest therein, the Executors and Administrators of any such Tenant for Life or Person having such like limited Interest, having so paid or advanced any such Purchase Money or Contribution Money in respect of such Purchase, shall after his Death, as against all Persons claiming any Charge, Incumbrance, or Estate in or upon such derivative Estate or Interest, be the first Incumbrancer or Incumbrancers upon, and have the first Charge or Lien upon, such Estate or Interest in such Lands and Premises, (saving always such annual Rent as aforesaid payable to such Archbishop or Bishop or other Ecclesiastical Persons, or the said Commissioners, or other Head Rent payable out of the same,) for the Amount of such Sum of Money so paid by him, together with legal Interest thereon from the Time of the Decease of such Tenant for Life or Person having such like limited Interest: Provided nevertheless, that if any Part of such Principal Sum of Money so paid and advanced by such Person shall be repaid or refunded to such Person having such limited Interest, his Executors or Administrators, by any under or inferior Tenant of the said Lands and Premises, by way of Contribution in respect of any such Purchase under the Provisions thereof, such Charge, Lien, or Incumbrance shall be reduced by the Amount of the Sum so refunded or repaid as aforesaid.

CLIX. And be it further enacted, That for the Purpose of raising such Purchase Money or Contribution Money in respect of such Purchase as aforesaid, it shall and may be lawful for all Bodies Politic, Corporate, and Collegiate, Corporations Aggregate or Sole, and all Guilds, Fraternities, and Brotherhoods, whether Corporate or not Corporate, and all Trustees for Charities or other public Purposes, and all Joint Stock Companies, who are or shall be possessed of any Estate or Interest in any such Lands or Premises belonging to the See or other Spiritual Promotion or Dignity of any Archbishop or Bishop, or other Ecclesiastical Persons, and also for any Committee or Curator of any Idiot or Lunatic, or of any Person *non compos mentis*, and for any Guardian of any Infant, or for any Person authorized to act for any incapacitated Person, (which Idiot, Lunatic, *non compos mentis*, Infant, or incapacitated Person shall be possessed of or entitled to any Estate or Interest in any of the said Lands and Premises,) in the same Manner as such Persons might have done if not under any Incapacity, and also for all Trustees of any such Lands and Premises on behalf of the Persons for whom they shall be Trustees, and also for all Persons having a limited Interest in possession in any of such Lands and Premises as Tenants for Life, or such like limited Estate, to contract or agree respectively as to the Amount of any Purchase Money or Contribution Money in respect of such Purchase to be paid as herein-before mentioned in respect of any such respective Lands and Premises, and to apply to or appear before any of the said Courts as Parties to any such Petition or Proceedings as herein-before mentioned, and to comply with and perform the Orders of any of the said Courts respecting any such Contribution Money

Provision for
Cases of incapacitated Persons
and those under
Disability.

or other Matters; and (for the Purpose of performing any such Order, or for raising any such Purchase Money or Contribution Money, or for doing or performing such other Matters or Things as shall in such respective Cases be necessary or proper under the Provisions of this Act) also to make or execute any such Sale or Mortgage of the Whole or a Portion of such respective Lands and Premises, or such respective Interests or Estates therein as shall be necessary or proper in each such Case; and also to agree for or cause to be reserved or recoverable out of such respective Lands and Premises, or such respective Estates or Interests, such additional annual Rent as aforesaid as may be necessary or proper under the Provisions of this Act, in lieu of Payment of any such Contribution Money; and also to make, do, or execute all other Matters, Acts, and Things necessary or proper for the due Performance of any of the said respective Acts, or for complying with the Provisions or executing the Powers hereof in any respect, as to any such Lands, in the same or in like Manner, as nearly as the Nature of each Case will admit, as fully and effectually, to all Intents and Purposes, and subject to all the same Rules and Regulations, as, under the Provisions hereof, any Person of full Age, being solely or absolutely possessed of or entitled for his own Use to any Lease of any such Lands, or any derivative Estate or Interest therein, might or could make, do, or execute the same or any of them under the Provisions of this Act; and that whenever in any of the Provisions of this Act relating to any such Lands, in describing any Tenant, Landlord, or other Person, a Word importing the Singular Number or the Masculine Gender only be used, the same shall be understood to include and be applied to several Persons as well as One Person, and Females as well as Males, and to such Bodies Politic, Corporate, or Collegiate as aforesaid, and to such Corporations Aggregate or Sole, Guilds, Fraternities, or Brotherhoods, Corporate or not Corporate, Trustees for Charities or other public Purposes, and Trustees for any Person or Persons, as well as to Individuals; and that the Word "Landlord" shall extend as well to any Person or Persons, Body Corporate, Politic, or Collegiate, or other Body of Persons entitled to receive any Rent out of any of such Lands and Premises, as to Persons usually or legally designated by such Word; and that the Word "Tenant" shall extend as well to any Person or Persons, Body Politic, Corporate, or Collegiate, or other Body of Persons, who shall be bound to pay any Rent out of any of such Lands and Premises, as to Persons usually or legally designated by such Word, unless in any of the foregoing Cases there be something in the Subject or Context repugnant to such Construction.

Definition of
Terms in this
Act.

For the Re-
newal of Leases
held under Sees
whereof the
Temporalities
may be vested
in the Commis-
sioners under
this Act.

CLX. And be it further enacted, That while and so long as any Tenant or Tenants, Lessee or Lessees, holding, or who shall at any Time hereafter hold immediately from and under the said Commissioners under this Act, any Lands, Premises, or Hereditaments heretofore belonging or which shall hereafter belong to any Bishoprick united or hereafter to be united to any other Archbishoprick or Bishoprick, and which Lands, Premises, and Hereditaments, or the Reversion thereof, shall have been transferred to and vested in the said Commissioners by virtue of this Act, shall be desirous of holding such Lands, Tenements, and Hereditaments by the like Tenure as the same have been theretofore holden

holden by, and shall from Time to Time, at such Periods as the Lease in such Lands, Tenements, or Hereditaments may have been theretofore usually renewed, or ought to be renewed according to the customary Manner of renewing the same, or within Six Months thereafter, apply for a Renewal of such Lease, the said Commissioners under this Act shall and may accept a Surrender of the then subsisting Lease, and shall and are hereby required to demise anew the Lands, Tenements, or Hereditaments therein contained for such like Term or Interest as may have been granted therein by the Lease so surrendered, reserving by such new Lease the annual Rent or Rents theretofore reserved out of the said Lands, Premises, and Hereditaments by the Lease so surrendered, and receiving for and in consideration of making such new Lease Payment of such a Fine as may be equal to the average Amount of the Renewal Fines theretofore paid or agreed to be paid, or customarily paid or payable for the Renewal of the Lease or Interest in such Lands, Tenements, and Hereditaments, such annual Rent or Rents and average Amount of such Renewal Fines to be ascertained by all such and the like Means as herein-before provided for ascertaining the same in the Case of Applications for the Purchase of Perpetuities under this Act.

CLXI. Provided always, and be it enacted, That in case the Value of any new Lease or Interest so to be granted as aforesaid shall at any Time appear to the said Commissioners to be increased or diminished in any Manner whatsoever, it shall and may be lawful for the said Commissioners to accept or require such greater or lesser Renewal Fine or Fines as in their Judgment may be just and reasonable with regard to such increased or diminished Value: Provided nevertheless, that if any Difference as to the Increase or Reduction of such average Renewal Fine should arise between the said Commissioners and the Tenant or Tenants, Lessee or Lessees claiming such Renewal, the same shall be referred to the Determination of Three Arbitrators, to be appointed in manner herein-before provided for the Appointment of Arbitrators to adjust Differences between the said Commissioners and Tenants or Lessees applying for the Purchase of Perpetuities under this Act, and with the like Powers and Authorities so far as the same are applicable; and the Determination of such Arbitrators as to the Amount of such Increase or Reduction of the said Fine shall be conclusive and binding upon all Persons whomsoever; and the Expence of such Arbitration shall be borne by the said Commissioners, or by the said Tenant or Tenants, or Lessee or Lessees, as such Arbitrators shall direct.

CLXII. And be it further enacted, That it shall and may be lawful for any Archbishop or Bishop, or other Ecclesiastical Person, in any Lease or Demise of any Lands or Premises to be made by him in Right of his See or other Spiritual Promotion, after the passing of this Act, or for the said Commissioners, in any Lease or Demise to be made by them of any Lands and Premises vested in them pursuant to the Provisions of this Act, to separate any additional Rent or Sum reserved in consequence of the Change in the Liability to the Payment of Composition for Tithes in any Lease or Demise of any such Lands and Premises made by him or them since the Sixteenth Day of *August* One thousand eight hundred and thirty-two from the former and customary annual Rent or

Where renewed Leases appear to Commissioners to be of greater or lesser Value, Allowance to be made accordingly.

If any Difference arise thereupon, the same shall be referred to Arbitration.

Archbishop, &c. in any Lease made after passing of this Act, shall reserve former annual Rent only, excluding any Sum added thereto since 16th August 1832.

Rents theretofore reserved and payable out of such Lands and Premises, and to reserve such former and customary annual Rent or Rents in any new Lease or Demise to be made thereof by him or them after the passing of this Act.

No Lease made by any Archbishop, &c. after the passing of this Act shall be deemed a Lease within the Meaning of 2 & 3 W. 4. c. 119. so as to entitle Tenant to hold Lands Tithe-free.

CLXIII. And be it further enacted, That no Lease or Demise of any Lands and Premises to be made by any Archbishop or Bishop, or other Ecclesiastical Person, after the passing of this Act, or by the said Commissioners of any Lands and Premises vested or which may hereafter be vested in them pursuant to this Act, shall be deemed or taken to be a letting, setting, or demising of any Lands and Premises within the Meaning of an Act passed in the Second and Third Years of the Reign of His Majesty King *William the Fourth*, intituled *An Act to amend Three Acts, passed respectively in the Fourth, Fifth, and in the Seventh and Eighth Years of the Reign of His late Majesty King George the Fourth, providing for the establishing of Composition for Tithes in Ireland, and to make such Compositions permanent*, so as to entitle the Lessee or Tenant thereof to hold the said Lands and Premises free from the Payment of Tithes or Composition for Tithes.

Notices under this Act, how to be served.

CLXIV. And be it further enacted, That whenever any Notice required to be given by this Act, or whenever any Service of any Order or other Proceeding of any Court which shall be required or be necessary for carrying into effect any of the Provisions of this Act, cannot be given or delivered to or cannot be effected upon the Party or Person or Persons to or for whom such Notice is directed or intended, or upon whom such Service is to be effected, it shall be sufficient for the Party or Person obliged to give such Notice or effect such Service to leave such Notice, or a Copy of such Order or Proceeding, at the last or most usual Place of Abode of such Party or Person or Persons to or upon whom such Notice is to be given or Service effected, if the same shall be within *Ireland*, and if the same shall not be within *Ireland*, then to serve such Notice or such Copy upon the Agent or Receiver of the Rents of such Party or Person or Persons, and if such Agent or Receiver cannot be discovered, then it shall be sufficient to publish such Notice, or to give Notice of such Order or Proceeding, by publishing Notice thereof Three Times in the *Dublin Gazette*, and also to give such Notice to or make such Service upon any principal Occupier of any of the said Lands and Premises respectively to which such Notice, Order, or Proceeding shall relate.

Power for Commissioners to examine on Oath.

CLXV. And be it further enacted, That the said Commissioners under this Act shall have Power and Authority, and are hereby empowered and authorized, from Time to Time to administer an Oath to any Person or Persons who shall at any Time give them Information or be examined of or concerning any Matter or Thing relating to the Execution of this Act, or any way concerning the several Powers and Trusts in them hereby reposed, and the due Execution thereof.

Act may be altered.

CLXVI. And be it further enacted, That this Act may be altered, amended, or repealed by any Act or Acts to be made in this present Session of Parliament.

Schedules to be taken as Part of Act.

CLXVII. And be it further enacted, That the Schedules (A.) and (B.) to this Act annexed shall be deemed and taken to be Part thereof as fully and entirely to all Intents and Purposes as if inserted herein.

SCHEDULES.

SCHEDULE (A.) PART THE FIRST.

Containing the YEARLY TAX to be imposed upon all Benefices, Dignities, and other Spiritual Promotions under the Rank of Bishopricks.

Value of Benefice.		Charge per Cent.	Value of Benefice.		Charge per Cent.
Exceeding	And not exceeding		Exceeding	And not exceeding	
£	£	£ s. d.	£	£	£ s. d.
300	305	2 10 0	755	765	9 10 0
305	315	2 15 0	765	775	9 12 6
315	325	3 0 0	775	785	9 15 0
325	335	3 5 0	785	795	9 17 6
335	345	3 10 0	795	805	10 0 0
345	355	3 15 0	805	815	10 2 6
355	365	4 0 0	815	825	10 5 0
365	375	4 5 0	825	835	10 7 6
375	385	4 10 0	835	845	10 10 0
385	395	4 15 0	845	855	10 12 6
395	405	5 0 0	855	865	10 15 0
405	415	5 2 6	865	875	10 17 6
415	425	5 5 0	875	885	11 0 0
425	435	5 7 6	885	895	11 2 6
435	445	5 10 0	895	905	11 5 0
445	455	5 12 6	905	915	11 7 6
455	465	5 15 0	915	925	11 10 0
465	475	5 17 6	925	935	11 12 6
475	485	6 0 0	935	945	11 15 0
485	495	6 2 6	945	955	11 17 6
495	505	6 5 0	955	965	12 0 0
505	515	6 7 6	965	975	12 2 6
515	525	6 10 0	975	985	12 5 0
525	535	6 12 6	985	995	12 7 6
535	545	6 15 0	995	1,005	12 10 0
545	555	6 17 6	1,005	1,015	12 12 6
555	565	7 0 0	1,015	1,025	12 15 0
565	575	7 2 6	1,025	1,035	12 17 6
575	585	7 5 0	1,035	1,045	13 0 0
585	595	7 7 6	1,045	1,055	13 2 6
595	605	7 10 0	1,055	1,065	13 5 0
605	615	7 12 6	1,065	1,075	13 7 6
615	625	7 15 0	1,075	1,085	13 10 0
625	635	7 17 6	1,085	1,095	13 12 6
635	645	8 0 0	1,095	1,105	13 15 0
645	655	8 2 6	1,105	1,115	13 17 6
655	665	8 5 0	1,115	1,125	14 0 0
665	675	8 7 6	1,125	1,135	14 2 6
675	685	8 10 0	1,135	1,145	14 5 0
685	695	8 12 6	1,145	1,155	14 7 6
695	705	8 15 0	1,155	1,165	14 10 0
705	715	8 17 6	1,165	1,175	14 12 6
715	725	9 0 0	1,175	1,185	14 15 0
725	735	9 2 6	1,185	1,195	14 17 6
735	745	9 5 0	exceeding 1,195	- -	15 0 0
745	755	9 7 6			

No fractional Part of a Pound to be subject to this Per-centage.

SCHEDULE (A.) PART THE SECOND.

Containing the YEARLY TAX to be imposed upon all Archbishopricks and Bishopricks.

YEARLY VALUE.	YEARLY TAX.
Where the yearly Value shall not exceed £4,000	£5 per Centum.
Where the yearly Value shall exceed £4,000 and shall not exceed £6,000	£7 per Centum.
Where the yearly Value shall exceed £6,000 and shall not exceed £8,000	£10 per Centum.
Where the yearly Value shall exceed £8,000 and shall not exceed £10,000	£12 per Centum.
Where the yearly Value shall exceed £10,000	£15 per Centum.

SCHEDULE (B.)

BISHOPRICKS, when and as void, to be united to other Bishopricks or Archbishopricks.	ARCHBISHOPRICKS and BISHOPRICKS to which the Bishopricks becoming void are to be united.
1. Dromore - - -	Down and Connor.
2. Raphoe - - -	Derry.
3. Clogher - - -	Armagh.
4. Elphin - - -	Kilmore.
5. Killala and Achonry - -	Tuam.
6. Clonfert and Kilmacduagh -	Killaloe and Kilsenora.
7. Kildare - - -	Dublin and Glandelagh.
8. Ossory - - -	Ferns and Leighlin.
9. Waterford and Lismore -	Cashel and Emly.
10. Cork and Ross - - -	Cloyne.

CAP. XXXVIII.

An Act to extend to the Twenty-first Day of *January* One thousand eight hundred and thirty-four, and to the End of the then next Session of Parliament, the Time for carrying into execution an Act of the First and Second Years of His present Majesty, for ascertaining the Boundaries of the Forest of *Dean*, and for inquiring into the Rights and Privileges claimed by Free Miners of the Hundred of *Saint Briavels*, and for other Purposes. [14th August 1833.]

‘ WHEREAS an Act was passed in the First and Second Years of the Reign of His present Majesty, intituled *An Act for ascertaining the Boundaries of the Forest of Dean, and for inquiring into the Rights and Privileges claimed by Free Miners of the Hundred of Saint Briavels, and for other Purposes* : And whereas the Commission directed by the said recited Act to be issued

1 & 2 W. 4.
c. 12.

' issued under the Great Seal of *Great Britain*, or under the Seal
 ' of His Majesty's Court of Exchequer, bears Date the Twenty-
 ' first Day of *January* One thousand eight hundred and thirty-
 ' two: And whereas the Time within which the Commissioners are
 ' by the said recited Act directed to make their Reports to the
 ' Lord High Treasurer, or Lords Commissioners of His Majesty's
 ' Treasury, will expire on the Second Day of *August* One thousand
 ' eight hundred and thirty-three: And whereas the Commissioners
 ' appointed by virtue of the said Act have proceeded with all
 ' practicable Expedition, and have made great Progress in inquir-
 ' ing into and ascertaining the Boundaries of the said Forest of
 ' *Dean*, the Rights and Interests of Persons occupying or claiming
 ' to be interested in Lands or Tenements within the same, and the
 ' Origin of the Rights and Privileges claimed by the Persons calling
 ' themselves Free Miners; but as such Rights, Privileges, and
 ' Interests are of a very complicated Description, and have occupied
 ' considerable Time in their Investigation, and some of them not
 ' being yet ascertained and settled, it will be impracticable for the
 ' Commissioners to make the Reports directed by the said recited
 ' Act within the Period thereby limited; and it is therefore expe-
 ' dient that further Time should be allowed for that Purpose;'
 be it therefore enacted by the King's most Excellent Majesty, by
 and with the Advice and Consent of the Lords Spiritual and Tem-
 poral, and Commons, in this present Parliament assembled, and
 by the Authority of the same, That the Time for making the several
 Reports directed to be made by the said Commissioners under the
 Authority of the said recited Act shall be extended until the Twenty-
 first Day of *January* One thousand eight hundred and thirty-four,
 and from thence to the End of the then next Session of Parliament.

Time of making
 Reports under
 recited Act
 extended until
 21 Jan. 1834.

II. And be it further enacted, That all the Powers, Provisions,
 Authorities, Regulations, Directions, Clauses, Penalties, Forfeitures,
 Matters, and Things in the said recited Act contained shall extend
 and be construed to extend to this present Act, and shall operate
 and be in force during the said additional Period, as fully and effec-
 tually, to all Intents and Purposes, as if the same Powers, Authorities,
 Provisions, Regulations, Directions, Clauses, Penalties, Forfeitures,
 Matters, and Things were particularly repeated and re-enacted in
 the Body of this Act and made expressly applicable thereto, and as
 if the Time for the making the said several Reports by the said
 Commissioners as aforesaid had been therein originally extended to
 the said additional Period.

Powers of
 recited Act ex-
 tended to this
 Act.

CAP. XXXIX.

An Act to reduce certain of the Duties on Dwelling
 Houses, and to repeal other Duties of Assessed Taxes.

[14th *August* 1833.]

' **W**HEREAS by an Act passed in the Forty-eighth Year of the
 ' Reign of His late Majesty King *George* the Third, intituled
 ' *An Act for repealing the Duties of Assessed Taxes, and granting*
 ' *new Duties in lieu thereof, and certain additional Duties to be*
 ' *consolidated therewith; and also for repealing the Stamp Duties on*
 ' *Game Certificates, and granting new Duties in lieu thereof, to be*
 ' *placed under the Management of the Commissioners for the Affairs*

48 G. 3. c. 55.

4 G. 4. c. 11.

Relief to Occu-
piers of Dwelling
Houses used
partly for Resi-
dence and partly
for Trade.

Proviso.

Duties reduced
on inhabited
Dwelling
Houses from
10*l*. to 18*l*.
where not with-
in the preceding
Exemption.

‘ of Taxes ; and the several other Acts in force for granting and
‘ regulating the Assessment of the Duties on inhabited Dwelling
‘ Houses, all Shops and Warehouses herein-after described, being
‘ Parts of Dwelling Houses occupied by Persons in Trade, are
‘ included in the Rent or annual Value of the Dwelling House,
‘ and the Household and other Offices : And whereas by an Act
‘ passed in the Fourth Year of the Reign of His late Majesty
‘ King George the Fourth, intituled *An Act for repealing certain*
‘ *of the Duties of Assessed Taxes, for reducing certain other of the*
‘ *said Duties, and for relieving Persons who have compounded for*
‘ *the same*, Persons in Trade became exempt for the Duties charge-
‘ able by the said Acts on Windows or Lights for any Number
‘ not exceeding Three Windows or Lights in any Shop or Ware-
‘ house in the Front or Fronts and on the Ground or Basement
‘ Story of every Dwelling House occupied by such Person or Persons
‘ in Trade, who should expose to sale or sell any Goods, Wares,
‘ or Merchandize in any such Shop or Warehouse : And whereas
‘ it is expedient to grant further Relief to Persons in Trade who
‘ are assessed for their Dwelling Houses or Tenements which they
‘ occupy for the joint Purposes of Residence and carrying on their
‘ Trades in such Shops or Warehouses thereof as are described in
‘ the said last-mentioned Act :’ Be it enacted by the King’s most
Excellent Majesty, by and with the Advice and Consent of the
Lords Spiritual and Temporal, and Commons, in this present Par-
liament assembled, and by the Authority of the same, That upon
all Assessments for any Year commencing from and after the Fifth
Day of *April* One thousand eight hundred and thirty-three, where
any Person in Trade, or Number of Persons in Partnership in
Trade, shall be duly assessed to the said Duties on inhabited
Dwelling Houses as the Occupier or Occupiers of any Dwelling
House or Tenement, and shall reside and dwell in Part thereof
only as a Place of Residence, the same Person or Persons using and
carrying on his, her, or their Trade in any other Part or Parts of
the same Dwelling House or Tenement, (that is to say,) in any
Shop or Warehouse in respect of which any Number of Windows
not exceeding Three ceased to be and are and shall not be payable
under the said Act passed in the Fourth Year of His said late
Majesty, it shall and may be lawful for every such Occupier or
Occupiers so assessed to claim Exemption from One entire Moiety
of the Duties charged by the said Assessment on the Rent or
annual Value of such Dwelling House or Tenement, and which
shall be allowed in the Manner herein-after mentioned : Provided
always, that no Exemption shall be claimed by or granted to any
Person or Persons whose Name or Names shall not be conspi-
cuously and legibly painted on or affixed to the Front or Fronts of
the Dwelling House or Tenement in respect of which the Exemp-
tion shall be claimed as aforesaid.

II. ‘ And whereas it is also expedient to grant Relief to Occu-
‘ piers of Dwelling Houses or Tenements of the Rents or annual
‘ Values herein-after described, who shall not be entitled to reduced
‘ Assessments by the preceding Provision of this Act ;’ be it further
enacted, That upon all Assessments in the Cases next herein men-
tioned, to commence from and after the Fifth Day of *April* One
thousand eight hundred and thirty-three, the Duties now payable
under

under the Provisions of the Acts in force for any Dwelling House herein-after described, which shall not fall within the Exemption of the preceding Provision as aforesaid, shall be reduced according to the respective Rents or Values and to the Amounts following; (that is to say,)

Where the Rent or annual Value of any Dwelling House shall be

£10, the reduced Duties amounting in the	£	s.	d.
whole to the Sum of	-	-	-
£11, the reduced Duties of	-	-	0 10 0
£12, the reduced Duties of	-	-	0 12 0
£13, the reduced Duties of	-	-	0 14 0
£14, the reduced Duties of	-	-	0 16 0
£15, the reduced Duties of	-	-	0 18 0
£16, the reduced Duties of	-	-	1 0 0
£17, the reduced Duties of	-	-	1 2 0
and £18, the reduced Duties of	-	-	1 4 0

respectively and no more;

all which reduced Duties shall be deemed and taken to be Duties payable on inhabited Dwelling Houses, according to the Rules and Provisions of the Acts in force for charging the Duties in respect of inhabited Dwelling Houses before the passing of this Act.

III. And be it further enacted, That the Exemption from One Moiety of the said Duties on Houses herein-before contained shall be and is hereby extended and applied to the Occupier or Occupiers of every Dwelling House who shall be duly licensed by the Laws in force to sell Beer, Ale, Wine, or other Liquors therein by Retail, although the Room or Rooms thereof in which any such Liquors shall be exposed to sale, sold, drank, or consumed shall not be a Shop or Warehouse described in the said Act passed in the Fourth Year of the Reign of His said late Majesty.

The Exemption from One Moiety of Duties on Dwelling Houses with Shops to extend to Licensed Victuallers.

IV. And be it further enacted, That in respect of all Assessments to be made for any Year commencing as aforesaid the several Rates and Duties granted by the said Act passed in the Forty-eighth Year of the Reign of His said late Majesty King George the Third, and also an Act passed in the Fifty-second Year of the Reign last aforesaid, intituled *An Act for granting to His Majesty certain new and additional Duties of Assessed Taxes, and for consolidating the same with the former Duties of Assessed Taxes*, and also an Act passed in the Second and Third Year of the Reign of His present Majesty King William the Fourth, intituled *An Act to continue until the Fifth Day of April One thousand eight hundred and thirty-four Compositions for the Assessed Taxes, and to grant Relief in certain Cases*, and now payable for Male Persons employed in the Capacities of Riders or Travellers, and of Clerks, Book-keepers or Office-keepers, and of Stewards, Bailiffs, Overseers or Managers, or Clerks, Under Stewards, Bailiffs, Overseers or Managers, and of Shopmen, Warehousemen, Porters, or Cellarmen, or of Grooms, Stable-boys, or Helpers in the Stables, solely and *bond fide* employed in their respective Trades or Businesses by any Livery Stable Keeper, Horse-dealer, Postmaster, or any other Person licensed by the Commissioners of Stamps, or by any Person under their Authority, to let Post Horses or Carriages for Hire or Profit, as in the said Acts respectively described, shall severally cease and determine: Pro-

Duties on Travellers, Clerks, Book-keepers, Stewards, Bailiffs, Overseers, Managers, Shopmen, Porters, &c. to cease.

48 G. 3. c. 55.
52 G. 3. c. 93.

2 & 3 W. 4.
c. 113.

vided

vided also, that where any Licensed Victualler in the said Acts described shall employ One Male Person only *bond fide* and generally to carry out and deliver any Beer, Ale, or other Liquors to Customers, such Person shall be considered a Porter hereby exempt from Duty, although he may be occasionally employed to wait on Guests.

2 & 3 W. 4.
c. 82.

Recited Act
repealed as to
Assessments
made from April
1833, and the
Duties thereby
payable to cease;
and Carriages
described in
Numbers 1. and
2. wholly ex-
empted from
any Duty.

V. ' And whereas by an Act passed in the last Session of Par-
' liament, intituled *An Act to reduce the Duties now payable in*
' *certain Cases on Carriages with less than Four Wheels*, the Duties
' of Three Pounds Five Shillings theretofore payable were reduced
' to One Pound Ten Shillings for every Carriage in the said Act
' described: And whereas it is expedient to repeal the said Act
' and the reduced Duties thereby payable, and to exempt all such
' Carriages herein-after described from the Payment of any Duty;'
be it further enacted, That for and in respect of all Assessments to
be made for any Year commencing from and after the Fifth Day of
April One thousand eight hundred and thirty-three as aforesaid the
said Act shall be and is hereby repealed, and the said reduced Duties
thereby payable shall cease and determine; and every Carriage
with less than Four Wheels heretofore chargeable with either of the
said Duties of Three Pounds Five Shillings or One Pound Ten
Shillings respectively, built, constructed, and used within the Regu-
lations next herein-after described, shall not be chargeable with any
Duty payable under any Act now in force relating to the Duties
of Assessed Taxes; and any Exemptions now in force for a Horse,
Mare, Gelding, or Mule *bond fide* kept for the Purposes of Hus-
bandry, drawing any Carriage in the said Acts described as a Taxed
Cart or Common Stage Cart, shall be and are hereby extended to
Carriages exempt from Duty by this Act; (*videlicet*,)

No. 1.
Exemption.

1. Every Carriage with less than Four Wheels, kept by any Person or Persons for his or her own Use, and not for Hire or Profit, and drawn by One Horse, Mare, Gelding, or Mule only, and not otherwise, and built and constructed with any Materials (except as herein mentioned) and in any Form, but without any Head or Covering, or any Lining, fixed or not fixed, and without any Spring or Springs of Iron, Steel, or other metallic Substance, or of any Composition of Iron, Steel, or other metallic Substance, either wholly or in part, (other than Iron Tips, Caps, or Swivels, each not exceeding Nine Inches in Length, and at the Extremity only of each Spring of such Carriage,) and the original Price of which Carriage, together with the Cushion or Cushions and any other Article or Thing used with or belonging to such Carriage, shall not have exceeded, or the Value whereof shall not at any Time exceed, the Sum of Twenty-one Pounds Sterling; provided that every such Carriage shall have the Christian and Surname or Names and Places of Abode, Occupation, or Calling of the Owner or Owners marked or painted in One or more straight Line or Lines on a Black Ground in White Letters or on a White Ground in Black Letters on the Back Pannel or Back Part of such Carriage, or if there shall be no such Back Pannel or Back Part, then upon the Right or Off Side of the Side Pannel, and if no such Side Pannel, then upon the

the Right or Off Side Shaft of such Carriage, in Roman Characters and in Words at Length, each of such Letters being at least One Inch in Height, and of a proper and proportionate Breadth :

2. Every Carriage with less than Four Wheels, *bond fide* built and constructed wholly of Wood and Iron, with any Spring or Springs (wholly or in part of Metal), and without any Covering other than a tilted Covering, and without any Lining, Apron, or Cushion, and with the Seat fixed or suspended by Slings or Braces, such Carriage not being on any Occasion let or used by the Owner or Owners, or any other Person or Persons, for Hire or Profit, but kept as a Common Stage Cart, and used truly and without Fraud in the Affairs of Husbandry, or in the Carriage of Goods, or in the Course of Trade, although used occasionally for the Purpose of riding therein ; provided that every such Common Stage Cart shall have the Christian and Surname or Names, and Residence, Occupation, or Calling of the Owner or Owners, and also the Words " Common Stage Cart," painted thereon in the same Manner as is herein-before prescribed with respect to the Carriage and Exemption Number One.

No. 2.
Exemption.

VI. And be it further enacted, That for and in respect of all Assessments to be made for any Year commencing from and after the Fifth Day of *April* One thousand eight hundred and thirty-three every Horse, Mare, Gelding, or Mule, *bond fide* kept and used by Persons carrying on the Trades or Business of Market Gardeners, in the Cultivation of the Gardens or Lands in their respective Occupations, and in conveying the Produce thereof to or from Market (and whether solely and for such Purposes, or partly therein and partly in the Affairs of Husbandry by the same Persons), shall be deemed and taken to be Husbandry Horses, and shall and are hereby declared to be exempt from the Duty of Ten Shillings and Sixpence now payable, as if such Horses, Mares, Geldings, or Mules were solely kept and used for the Purposes of Husbandry.

Exemption for
Horses employ-
ed by Market
Gardeners.

VII. And be it further enacted, That from and after the Fifth Day of *April* One thousand eight hundred and thirty-three every Person being employed as a Shepherd, and making a Livelihood solely thereby, shall be exempt from the Duty now payable in respect of Dogs next herein-after described ; (*videlicet*.) for any Dog or Dogs, not being a Greyhound, Hound, Pointer, Setting Dog, Spaniel, Lurcher, or Terrier, which shall be *bond fide* kept and employed by such Shepherd solely in the Care of a Flock or Flocks of Sheep which such Shepherd shall tend, and in which he shall have a direct Interest, and not otherwise ; provided that Returns shall be made and Exemption claimed for such Dogs as in other Cases under the Provisions of the said Acts in force.

Exemption for
Dogs solely
employed by
Shepherds in
the Care of
Flocks in which
they have a
direct Interest.

VIII. And be it further enacted, That all and every the Rules, Provisions, and Regulations contained in any Act or Acts relating to the Duties of Assessed Taxes and Composition for the same shall (except as herein varied) be executed by the several Commissioners, Assessors, Surveyors, and other Officers, and be applied and extended to the Provisions of this Act, and for claiming, ascertaining, and allowing the Exemptions hereby granted for and in respect of Assessments commencing from and after the Fifth Day of *April* One thousand

Rules and Pro-
visions of former
Acts extended
to this Act
(except as here-
in varied).

thousand eight hundred and thirty-three, to all Intents and Purposes, as if the same Rules, Provisions, and Regulations were re-enacted by this Act.

Act may be amended.

IX. And be it further enacted, That this Act may be amended, altered, or repealed by any Act or Acts to be passed in this present Session of Parliament.

CAP. XL.

am. by 344
c 27 - 408 & 42 An Act to repeal certain Acts relating to the Removal of poor Persons born in *Scotland* and *Ireland*, and chargeable to Parishes in *England*, and to make other Provisions in lieu thereof, until the First Day of *May* One thousand eight hundred and thirty-six, and to the End of the then next Session of Parliament.

[14th August 1833.]

‘ WHEREAS it is expedient to amend the Laws relative to the Removal of poor Persons born in *Scotland* and *Ireland*, the Isles of *Man* and *Scilly*, and chargeable to Parishes in *England*, and to make other Provisions in lieu thereof:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *January* One thousand eight hundred and thirty-four, so much of an Act passed in the Seventeenth Year of the Reign of King *George* the Second, intituled *An Act to amend and make more effectual the Laws relating to Rogues and Vagabonds, and other idle and disorderly Persons, and to Houses of Correction*, as relates to passing Vagrants to *Scotland* and *Ireland*, and the Isles of *Man* and *Scilly*; and also so much of an Act passed in the Fifty-ninth Year of the Reign of King *George* the Third, intituled *An Act to amend the Laws for the Relief of the Poor*, as relates to the Removal of poor Persons born in *Scotland* and *Ireland* who have become chargeable to Parishes in *England*; and also so much of an Act passed in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the Punishment of idle and disorderly Persons, and Rogues and Vagabonds, in that Part of Great Britain called England*, as relates to the Removal of poor Persons born in *Scotland* and *Ireland*, and being chargeable to Parishes in *England*, shall be and the same are hereby repealed.

So much of
17 G. 2. c. 5.
59 G. 3. c. 12.
& 5 G. 4. c. 83.
as relates to the
Removal of
poor Persons
born in *Scotland*
and *Ireland*, re-
pealed.

Justices at Ses-
sions may order
Removal, by Sea
or Land, of
chargeable Poor
born in *Scot-*
land or *Ireland*,
&c. at Expenses
of complaining
Parish.

II. And be it further enacted, That from and after the said First Day of *January* One thousand eight hundred and thirty-four it shall be lawful for Two Justices of the Peace, and they are hereby authorized and required, upon the Complaint of the Churchwardens and Overseers of the Poor of any Parish, Township, or other Place maintaining its own Poor, that any Person born in *Scotland* or *Ireland*, or in the Isle of *Man* or *Scilly*, hath become chargeable to such Parish, Township, or other Place maintaining its own Poor, by himself or herself, or his or her Family, to cause such Person to be brought before them, and to examine such Person and any other Witness or Witnesses on Oath touching the Place of the Birth or last legal Settlement of every such Person, and to inquire whether

whether he or she, or any of his or her Children, hath or have gained any Settlement in that Part of the United Kingdom called *England*; and if it shall be found by such Justices that the Person so brought before them was born in either *Scotland* or *Ireland*, or the Isle of *Man* or *Scilly*, and hath not gained any Settlement in *England*, and that he or she hath actually become chargeable to the complaining Parish, Township, or other Place maintaining its own Poor, by himself or herself, or his or her Family, then such Justices shall and they are hereby empowered, by an Order of Removal under their Hands and Seals, in the Form in the Schedule hereunto annexed, to cause such poor Person, his Wife, and such of his or her Children so chargeable, as shall not have gained a Settlement in *England*, to be removed, by Sea or Land, in such Manner as may have been directed by the Justices at Quarter Sessions assembled in and for the County, City, Borough, Town Corporate, Division, or Liberty in which the said Parish, Township, or other Place maintaining its own Poor may be situate, by and at the Charge and Expence of the complaining Parish, to *Scotland* or *Ireland*, or the Isle of *Man* or *Scilly* respectively, according as such poor Person, or his or her Family, shall belong to *Scotland*, *Ireland*, or the Isle of *Man* or *Scilly*, the Charge and Expence whereof shall be repaid, in manner herein-after mentioned, to such complaining Parish, Township, or other Place maintaining its own Poor, out of the County Rate raised and levied in the County, City, Borough, Town Corporate, Division, or Liberty in which such Parish shall be situate.

Expence to be repaid by County, &c. in which complaining Parish is situate.

III. And be it further enacted, That the Justices of the Peace of every County, Riding, City, Borough, Town Corporate, Division, or Liberty are hereby authorized and required, at the General or Quarter Sessions of the Peace holden in and for such County, Riding, City, Borough, Town Corporate, Division, or Liberty next after the passing of this Act, or some Adjournment thereof, and from Time to Time thereafter, at their General or Quarter Sessions, or Adjournment thereof, to direct in what Manner, and whether by Sea or Land, or Part of the Way by Land and Part by Sea, such poor Person, his Wife and Child or Children, removable under the Provisions of this Act by the Churchwardens and Overseers of any Parish, Township, or Place maintaining its own Poor within such County, Riding, City, Borough, Town Corporate, Division, or Liberty, shall be removed.

Justices at Sessions to direct how Parties shall be removed.

IV. And be it further enacted, That the Justices of the Peace of every County, Riding, City, Borough, Town Corporate, Division, or Liberty shall and may and they are hereby required, at the General or Quarter Sessions of the Peace to be holden in and for such County, Riding, City, Borough, Town Corporate, Division, or Liberty next after the passing of this Act, or some Adjournment thereof, and from Time to Time thereafter, at their General or Quarter Sessions, or Adjournment thereof, to make such Orders, Rules, Regulations, and Directions for the more effectually carrying the Provisions of this Act into execution as they in their Discretion shall think proper; which Orders, Rules, Regulations, and Directions shall from Time to Time be observed and submitted to by all Justices of the Peace, Overseers, Churchwardens, Constables, and other Persons concerned in or charged with the Removal of such poor Person, his Wife, Child or Children

Justices at Quarter Sessions to make Rules, &c. for carrying this Act into execution.

as aforesaid, within such County, Riding, City, Borough, Town Corporate, Division, or Liberty.

Church-
wardens, &c. to
be repaid Ex-
pences out of
County Rate.

V. And be it further enacted, That in case the Churchwardens and Overseers of the Parish, Township, or Place maintaining its own Poor, on whose Complaint such Order of Removal shall be made as aforesaid, shall bring or send to the Clerk of the Peace or Town Clerk of the County, Riding, City, Borough, Town Corporate, Division, or Liberty in which such Parish, Township, or Place maintaining its own Poor shall be situate, such Order of Removal, accompanied with an Affidavit sworn before some Justice of the Peace of such County, Riding, City, Borough, Town Corporate, Division, or Liberty, (who is hereby authorized to administer the same,) of the Amount of the Expences *bonâ fide* incurred and paid by such Churchwardens and Overseers on account of the Removal of such poor Person, his Wife, Child or Children as aforesaid, and also a Statement of the several Items comprised in such Amount, such Clerk of the Peace or Town Clerk is hereby required to lay the same before the Justices of the Peace assembled at the Quarter Sessions, or Adjournment thereof, held in and for such County, Riding, City, Borough, Town Corporate, Division, or Liberty, next after he shall have received the same; and the said Justices so assembled as aforesaid are hereby authorized and required to order the Amount thereof to be paid out of the County Rate raised and levied in such County, Riding, City, Borough, Town Corporate, Division, or Liberty; provided that on the Removal of such poor Person, his Wife, Child or Children as aforesaid, the Orders, Rules, Regulations, and Directions of the said Justices, made as herein-before mentioned, have been duly complied with.

How Expences
to be defrayed
of removing
poor Persons
within London.

VI. And be it further enacted, That all such Charges and Expences as aforesaid, which shall be properly and reasonably made for the Purposes aforesaid out of any such Parish Rates within the City of *London*, shall by such Parish or extra-parochial Place maintaining its own Poor, or Parish next adjoining to such extra-parochial Place, be charged against the said City of *London*, and being audited and allowed by the Justices of the said City of *London* assembled at any Quarter Sessions or adjourned Sessions of the Peace in or for the said City of *London*, shall thereupon by the Chamberlain of the said City of *London* be repaid to the Overseers or Guardians of the Poor of the said Parish or extra-parochial Place maintaining its own Poor, or Parish next adjoining to such extra-parochial Place, for the Benefit thereof, for which Purpose a Rate or Assessment shall be made by the Order and under the Authority of such Justices of the said City of *London*, in the several Wards of the said City of *London*, at such Time or Times as such Justices shall think fit, in the same Manner and with the same Powers and Authorities as the Rates for the Relief of the Poor are made in the said Parishes and extra-parochial Places; and the Powers and Authorities contained in the several Acts of Parliament for making and collecting Rates for the Relief of the Poor shall be and the same are hereby extended to this Act.

How Expences
to be defrayed
when Parish is
situate in any

VII. And be it further enacted, That in any City, Borough, Town Corporate, Division, or Liberty which does not contribute to the County Rate, or in which no County Rate shall be made, raised,

raised, or levied, the Charges and Expences paid for the Purposes aforesaid by the Parish or Parishes within such City, Borough, Town Corporate, Division, or Liberty as aforesaid shall be allowed by the Justices of the Peace for such City, Borough, Town Corporate, Division, or Liberty as aforesaid, at any Quarter Sessions or adjourned Sessions of the Peace, and paid by the Order of such Justices to the Churchwardens or Overseers of the Poor of the Parish or Parishes within such City, Borough, Town Corporate, Division, or Liberty, for which Purposes a general Rate or Assessment shall be made by the Order and under the Authority of such Justices in the Parish or Parishes, if more than One, within such City, Borough, Town Corporate, Division, or Liberty, at such Time or Times as such Justices shall think fit, in the same Manner and with the same Powers and Authorities as the Rates for the Relief of the Poor are made in the Parish or Parishes of such City, Borough, Town Corporate, Division, or Liberty; and the Powers and Authorities contained in the several Acts of Parliament for making and collecting Rates for the Relief of the Poor shall be and the same are hereby extended to this Act for the making, raising, levying, and collecting the said Rate.

City, &c. not
contributing to
County Rate.

VIII. And be it further enacted, That this Act shall continue in force until the First Day of *May* One thousand eight hundred and thirty-six, and to the End of the then next Session of Parliament.

Term of Act.

SCHEDULE.

Form of Order of Removal.

To the Constable of the Parish of
County of

in the

to wit. } WHEREAS Complaint hath been made by the Church-
wardens and Overseers of the Poor of the [Parish,
Township, *et cetera, as the Case may be*] in the said County
of unto us, whose Names are hereunto set and Seals
affixed, Two of His Majesty's Justices of the Peace acting in and
for the said County (One being of the Quorum), that
a Person born in Scotland [*or Ireland, or the Isle of Man or Scilly,*]
hath become and is now actually chargeable to the said [Parish,
Township, *et cetera, as the Case may be*]: And whereas upon
Examination of the said taken upon Oath before us
(which Examination is hereto annexed) it doth appear and we do
adjudge, that the said hath not gained a Settlement
in England, and that he hath a Wife named and
Children, videlicet, neither of which Children have
gained any Settlement in England:

These are therefore to require you the said Constable of
aforesaid, in the County of aforesaid, to convey the
said his Wife and Family aforesaid, to Scotland [*or*
Ireland, or the Isle of Man or Scilly], in the Manner directed by
the Justices of the said County of in pursuance of the
Provisions of a certain Act made and passed in the Fourth Year of
the Reign of King William the Fourth, intituled [*here set out the*
Title of this Act.]

Given under our Hands and Seals this

Day
of

of in the Year of our Lord One thousand eight hundred and thirty-

[Here copy the Regulations, et cetera, of the Justices at Sessions, as applicable to the Removal of the Party.]

Form of Examination.

THE Examination of taken on Oath before
 to wit. } us, Two of His Majesty's Justices of the
 Peace acting in and for the [County, Riding, City, Borough, Town
 Corporate, Division, or Liberty] aforesaid, this Day
 of in the Year of our Lord One thousand eight hun-
 dred and thirty- who on Oath saith, that according to the
 best of [his or her] Knowledge and Belief [he or she] was born
 in in that Part of the United Kingdom called Scotland,
 [or Ireland, or in the Isle of Man or Scilly,] which [he or she] left
 about Years ago, and hath done no Act whereby to gain
 a Settlement in that Part of the United Kingdom called England,
 and hath actually become and is now chargeable to the [Parish]
 of in the [County, Township, et cetera, as the same may
 be] of [and that he hath a Wife named
 and Children, neither of which Children have gained a
 Settlement in England].
 Sworn the Day and Year first }
 above written, before us, }

CAP. XLI.

An Act for the better Administration of Justice in His
 Majesty's Privy Council. [14th August 1833.]

2 & 3 W. 4. c. 92. **W**HEREAS by virtue of an Act passed in a Session of
 Parliament of the Second and Third Years of the Reign
 of His present Majesty, intituled *An Act for transferring the
 Powers of the High Court of Delegates, both in Ecclesiastical and
 Maritime Causes, to His Majesty in Council*, it was enacted, that
 from and after the First Day of February One thousand eight
 hundred and thirty-three it should be lawful for every Person who
 might theretofore, by virtue either of an Act passed in the Twenty-
 25 Hen. 8. c. 19. fifth Year of the Reign of King Henry the Eighth, intituled *The
 Submission of the Clergy and Restraint of Appeals*, or of an Act
 passed in the Eighth Year of the Reign of Queen Elizabeth, inti-
 8 Eliz. c. 5. tuled *For the avoiding of tedious Suits in Civil and Marine Causes*,
 have appealed or made suit to His Majesty in His High Court
 of Chancery, to appeal or make suit to the King's Majesty, His
 Heirs or Successors, in Council, within such Time, in such
 Manner, and subject to such Rules, Orders, and Regulations for
 the due and more convenient Proceeding, as should seem meet
 and necessary, and upon such Security, if any, as His Majesty,
 His Heirs and Successors, should from Time to Time by Order
 in Council direct: And whereas, by Letters Patent under the
 Great Seal of Great Britain, certain Persons, Members of His
 Majesty's Privy Council, together with others, being Judges and
 Barons of His Majesty's Courts of Record at Westminster, have
 been from Time to Time appointed to be His Majesty's Com-
 missioners

‘missioners for receiving, hearing, and determining Appeals from
 ‘His Majesty’s Courts of Admiralty in Causes of Prize: And
 ‘whereas, from the Decisions of various Courts of Judicature in
 ‘the *East Indies*, and in the Plantations, Colonies, and other
 ‘Dominions of His Majesty Abroad, an Appeal lies to His Majesty
 ‘in Council: And whereas Matters of Appeal or Petition to His
 ‘Majesty in Council have usually been heard before a Committee
 ‘of the whole of His Majesty’s Privy Council, who have made a
 ‘Report to His Majesty in Council, whereupon the final Judgment
 ‘or Determination hath been given by His Majesty: And whereas
 ‘it is expedient to make certain Provisions for the more effectual
 ‘hearing and reporting on Appeals to His Majesty in Council and
 ‘on other Matters, and to give such Powers and Jurisdiction to
 ‘His Majesty in Council as herein-after mentioned:’ Be it there-
 fore enacted by the King’s most Excellent Majesty, by and with
 the Advice and Consent of the Lords Spiritual and Temporal, and
 Commons, in this present Parliament assembled, and by the
 Authority of the same, That the President for the Time being of
 His Majesty’s Privy Council, the Lord High Chancellor of *Great
 Britain* for the Time being, and such of the Members of His
 Majesty’s Privy Council as shall from Time to Time hold any of
 the Offices following, that is to say, the Office of Lord Keeper or
 First Lord Commissioner of the Great Seal of *Great Britain*, Lord
 Chief Justice or Judge of the Court of King’s Bench, Master of
 the Rolls, Vice Chancellor of *England*, Lord Chief Justice or Judge
 of the Court of Common Pleas, Lord Chief Baron or Baron of the
 Court of Exchequer, Judge of the Prerogative Court of the Lord
 Archbishop of *Canterbury*, Judge of the High Court of Admiralty,
 and Chief Judge of the Court in Bankruptcy, and also all Persons
 Members of His Majesty’s Privy Council who shall have been Pre-
 sident thereof or held the Office of Lord Chancellor of *Great Britain*,
 or shall have held any of the other Offices herein-before mentioned,
 shall form a Committee of His Majesty’s said Privy Council, and
 shall be styled “The Judicial Committee of the Privy Council”:
 Provided nevertheless, that it shall be lawful for His Majesty from
 Time to Time, as and when He shall think fit, by His Sign Manual,
 to appoint any Two other Persons, being Privy Counsellors, to be
 Members of the said Committee.

Certain Persons
 to form a Com-
 mittee, to be
 styled “The
 Judicial Com-
 mittee of the
 Privy Council.”

II. And be it further enacted, That from and after the First Day
 of *June* One thousand eight hundred and thirty-three all Appeals
 or Applications in Prize Suits and in all other Suits or Proceedings
 in the Courts of Admiralty, or Vice Admiralty Courts, or any other
 Court in the Plantations in *America* and other His Majesty’s Domi-
 nions or elsewhere Abroad, which may now, by virtue of any Law,
 Statute, Commission, or Usage, be made to the High Court of
 Admiralty in *England*, or to the Lords Commissioners in Prize
 Cases, shall be made to His Majesty in Council, and not to the said
 High Court of Admiralty in *England* or to such Commissioners as
 aforesaid; and such Appeals shall be made in the same Manner
 and Form and within such Time wherein such Appeals might, if
 this Act had not been passed, have been made to the said High
 Court of Admiralty or to the Lords Commissioners in Prize Cases
 respectively; and that all Laws or Statutes now in force with respect

Appeals from
 Vice Admiralty
 Courts Abroad,
 &c. to be made
 to the King in
 Council.

to any such Appeals or Applications shall apply to any Appeals to be made in pursuance of this Act to His Majesty in Council.

All Appeals from Sentence of any Judge, &c. to be referred by His Majesty to the Committee, to report thereon.

III. And be it further enacted, That all Appeals or Complaints in the Nature of Appeals whatever, which, either by virtue of this Act, or of any Law, Statute, or Custom, may be brought before His Majesty or His Majesty in Council from or in respect of the Determination, Sentence, Rule, or Order of any Court, Judge, or judicial Officer, and all such Appeals as are now pending and unheard, shall from and after the passing of this Act be referred by His Majesty to the said Judicial Committee of His Privy Council, and that such Appeals, Causes, and Matters shall be heard by the said Judicial Committee, and a Report or Recommendation thereon shall be made to His Majesty in Council for His Decision thereon as heretofore, in the same Manner and Form as has been heretofore the Custom with respect to Matters referred by His Majesty to the whole of His Privy Council or a Committee thereof (the Nature of such Report or Recommendation being always stated in open Court).

His Majesty may refer any other Matters to Committee.

IV. And be it further enacted, That it shall be lawful for His Majesty to refer to the said Judicial Committee for Hearing or Consideration any such other Matters whatsoever as His Majesty shall think fit, and such Committee shall thereupon hear or consider the same, and shall advise His Majesty thereon in manner aforesaid.

No Matter to be heard unless in Presence of Four Members of the Committee.

V. And be it further enacted, That no Matter shall be heard, nor shall any Order, Report, or Recommendation be made, by the said Judicial Committee, in pursuance of this Act, unless in the Presence of at least Four Members of the said Committee; and that no Report or Recommendation shall be made to His Majesty unless a Majority of the Members of such Judicial Committee present at the Hearing shall concur in such Report or Recommendation: Provided always, that nothing herein contained shall prevent His Majesty, if He shall think fit, from summoning any other of the Members of His said Privy Council to attend the Meetings of the said Committee.

In case the King directs the Attendance of any Judge, a Member of the Committee, the other Judges of the Court to which he belongs to make Arrangements with regard to the Business of the Court.

VI. And be it further enacted, That in case His Majesty shall be pleased, by Directions under His Sign Manual, to require the Attendance at the said Committee for the Purposes of this Act of any Member or Members of the said Privy Council who shall be a Judge or Judges of the Court of King's Bench, or of the Court of Common Pleas, or of the Court of Exchequer, such Arrangements for dispensing with the Attendance of such Judge or Judges upon his or their ordinary Duties during the Time of such Attendance at the Privy Council as aforesaid shall be made by the Judges of the Court or Courts to which such Judge or Judges shall belong respectively in regard to the Business of the Court, and by the Judges of the said Three Courts, or by any Eight or more of such Judges, including the Chiefs of the several Courts, in regard to all other Duties, as may be necessary and consistent with the Public Service.

Evidence may be taken viva voce, or upon written Depositions.

VII. And be it enacted, That it shall be lawful for the said Judicial Committee, in any Matter which shall be referred to such Committee, to examine Witnesses by Word of Mouth, (and either before

before or after Examination by Deposition,) or to direct that the Depositions of any Witness shall be taken in Writing by the Registrar of the said Privy Council, to be appointed by His Majesty as herein-after mentioned, or by such other Person or Persons, and in such Manner, Order, and Course as His Majesty in Council or the said Judicial Committee shall appoint and direct; and that the said Registrar and such other Person or Persons so to be appointed shall have the same Powers as are now possessed by an Examiner of the High Court of Chancery or of any Court Ecclesiastical.

VIII. And be it enacted, That in any Matter which shall come before the said Judicial Committee it shall be lawful for the said Committee to direct that such Witnesses shall be examined or re-examined, and as to such Facts as to the said Committee shall seem fit, notwithstanding any such Witness may not have been examined, or no Evidence may have been given on any such Facts in a previous Stage of the Matter; and it shall also be lawful for His Majesty in Council, on the Recommendation of the said Committee, upon any Appeal, to remit the Matter which shall be the Subject of such Appeal to the Court from the Decision of which such Appeal shall have been made, and at the same Time to direct that such Court shall rehear such Matter, in such Form, and either generally or upon certain Points only, and upon such rehearing take such additional Evidence, though before rejected, or reject such Evidence before admitted, as His Majesty in Council shall direct; and further, on any such remitting or otherwise, it shall be lawful for His Majesty in Council to direct that One or more feigned Issue or Issues shall be tried in any Court in any of His Majesty's Dominions Abroad, for any Purpose for which such Issue or Issues shall to His Majesty in Council seem proper.

Committee may order any particular Witnesses to be examined, and as to any particular Facts, and may remit Causes for rehearing.

IX. And be it enacted, That every Witness who shall be examined in pursuance of this Act shall give his or her Evidence upon Oath, or if a Quaker or Moravian upon solemn Affirmation, which Oath and Affirmation respectively shall be administered by the said Judicial Committee and Registrar, and by such other Person or Persons as His Majesty in Council or the said Judicial Committee shall appoint; and that every such Witness who shall wilfully swear or affirm falsely shall be deemed guilty of Perjury, and shall be punished accordingly.

Witnesses to be examined on Oath, and to be liable to Punishment for Perjury.

X. And be it enacted, That it shall be lawful for the said Judicial Committee to direct One or more feigned Issue or Issues to be tried in any Court of Common Law, and either at Bar, before a Judge of Assize, or at the Sitzings for the Trial of Issues in *London* or *Middlesex*, and either by a Special or Common Jury, in like Manner and for the same Purpose as is now done by the High Court of Chancery.

Committee may direct an Issue to try any Fact;

XI. And be it enacted, That it shall be in the Discretion of the said Judicial Committee to direct that, on the Trial of any such Issue, the Depositions already taken of any Witness who shall have died, or who shall be incapable to give oral Testimony, shall be received in Evidence; and further, that such Deeds, Evidences, and Writings shall be produced, and that such Facts shall be admitted, as to the said Committee shall seem fit.

may, in certain Cases, direct Depositions to be read at the Trial of the Issue;

XII. And be it enacted, That it shall be lawful for the said Judicial Committee to make such and the like Orders respecting the

may make such Orders as to the Admission of

Evidence as is made by the Court of Chancery ;

and may direct new Trials of Issues.

Powers, &c. of 13 G. 3. c. 63. and 1 W. 4. c. 22. with regard to Examination of Witnesses applied to the Judicial Committee.

Costs to be in the Discretion of the Committee.

Decrees to be enrolled.

Committee may refer Matters to Registrar in same Manner as Matters are by Court of Chancery referred to a Master.

The King may appoint Registrar.

the Admission of Persons, whether Parties or others, to be examined as Witnesses upon the Trial of any such Issues as aforesaid, as the Lord High Chancellor or the Court of Chancery has been used to make respecting the Admission of Witnesses upon the Trial of Issues directed by the Lord Chancellor or the Court of Chancery.

XIII. And be it enacted, That it shall be lawful for the said Judicial Committee to direct One or more new Trial or new Trials of any Issue, either generally or upon certain Points only ; and that in case any Witness examined at a former Trial of the same Issue shall have died, or have, through bodily or mental Disease or Infirmary, become incapable to repeat his Testimony, it shall be lawful for the said Committee to direct that parol Evidence of the Testimony of such Witness shall be received.

XIV. ' And whereas by an Act passed in the Thirteenth Year of His late Majesty King George the Third, and intituled *An Act for establishing certain Regulations for the better Management of the Affairs of the East India Company, as well in India as in Europe*, and by an Act passed in the First Year of the Reign of His present Majesty, and intituled *An Act to enable the Courts of Law to order the Examination of Witnesses upon Interrogatories and otherwise*, certain Powers are given to certain Courts therein mentioned to enforce, and Provisions are made for the Examination of Witnesses by Commission, upon Interrogatories and otherwise ;' be it therefore further enacted, That all the Powers and Provisions contained in the Two last-mentioned Acts, or either of them, shall extend to and be exercised by the said Judicial Committee in all respects as if such Committee had been therein named as one of His Majesty's Courts of Law at *Westminster*.

XV. And be it enacted, That the Costs incurred in the Prosecution of any Appeal or Matter referred to the said Judicial Committee, and of such Issues as the same Committee shall under this Act direct, shall be paid by such Party or Parties, Person or Persons, and be taxed by the aforesaid Registrar, or such other Person or Persons, to be appointed by His Majesty in Council or the said Judicial Committee, and in such Manner as the said Committee shall direct.

XVI. And be it further enacted, That the Orders or Decrees of His Majesty in Council made, in pursuance of any Recommendation of the said Judicial Committee, in any Matter of Appeal from the Judgment or Order of any Court or Judge, shall be enrolled, for safe Custody, in such Manner, and the same may be inspected and Copies thereof taken under such Regulations, as His Majesty in Council shall direct.

XVII. And be it further enacted, That it shall be lawful for the said Committee to refer any Matters to be examined and reported on to the aforesaid Registrar, or to such other Person or Persons as shall be appointed by His Majesty in Council or by the said Judicial Committee, in the same Manner and for the like Purposes as Matters are referred by the Court of Chancery to a Master of the said Court ; and that for the Purposes of this Act the said Registrar and the said Person or Persons so to be appointed shall have the same Powers and Authorities as are now possessed by a Master in Chancery.

XVIII. And be it further enacted, That it shall be lawful for His Majesty, under His Sign Manual, to appoint any Person to be the Registrar

Registrar of the said Privy Council, as regards the Purposes of this Act, and to direct what Duties shall be performed by the said Registrar.

XIX. And be it further enacted, That it shall be lawful for the President for the Time being of the said Privy Council to require the Attendance of any Witnesses, and the Production of any Deeds, Evidences, or Writings, by Writ to be issued by such President in such and the same Form, or as nearly as may be, as that in which a Writ of Subpoena ad testificandum or of Subpoena duces tecum is now issued by His Majesty's Court of King's Bench at *Westminster*; and that every Person disobeying any such Writ so to be issued by the said President shall be considered as in Contempt of the said Judicial Committee, and shall also be liable to such and the same Penalties and Consequences as if such Writ had issued out of the said Court of King's Bench, and may be sued for such Penalties in the said Court.

Attendance of Witnesses, and Production of Papers, &c., may be compelled by Subpoena.

XX. And be it further enacted, That all Appeals to His Majesty in Council shall be made within such Times respectively within which the same may now be made, where such Time shall be fixed by any Law or Usage, and where no such Law or Usage shall exist, then within such Time as shall be ordered by His Majesty in Council; and that, subject to any Right subsisting under any Charter or Constitution of any Colony or Plantation, it shall be lawful for His Majesty in Council to alter any Usage as to the Time of making Appeals, and to make any Order respecting the Time of appealing to His Majesty in Council.

Time of appealing.

XXI. And be it further enacted, That the Order or Decree of His Majesty in Council on any Appeal from the Order, Sentence, or Decree of any Court of Justice in the *East Indies*, or of any Colony, Plantation, or other His Majesty's Dominions Abroad, shall be carried into effect in such Manner, and subject to such Limitations and Conditions, as His Majesty in Council shall, on the Recommendation of the said Judicial Committee, direct; and it shall be lawful for His Majesty in Council, on such Recommendation, by Order, to direct that such Court of Justice shall carry the same into effect accordingly, and thereupon such Court of Justice shall have the same Powers of carrying into effect and enforcing such Order or Decree as are possessed by or are hereby given to His Majesty in Council: Provided always, that nothing in this Act contained shall impeach or abridge the Powers, Jurisdiction, or Authority of His Majesty's Privy Council as heretofore exercised by such Council, or in anywise alter the Constitution or Duties of the said Privy Council, except so far as the same are expressly altered by this Act, and for the Purposes aforesaid.

Decrees for Courts Abroad to be carried into effect as the King in Council shall direct.

Act not to abridge Powers of Privy Council.

XXII. ' And whereas various Appeals to His Majesty in Council from the Courts of *Sudder Dewanny Adawlut* at the several Presidencies of *Calcutta*, *Madras*, and *Bombay* in the *East Indies*, have been admitted by the said Courts, and the Transcripts of the Proceedings in Appeal have been from Time to Time transmitted under the Seal of the said Courts, through the United Company of Merchants in *England* trading to the *East Indies*, to the Office of His Majesty's said Privy Council, but the Suitors in the Causes so appealed have not taken the necessary Measures to bring on the same to a Hearing; ' be it therefore further enacted

His Majesty may direct the East India Company to bring on Appeals from the *Sudder Dewanny Adawlut* Courts to a Hearing.

by the Authority aforesaid, That it shall be lawful for His Majesty in Council to give such Directions to the said United Company and other Persons for the Purpose of bringing to a Hearing before the said Committee the several Cases appealed or hereafter to be appealed to His Majesty in Council from the several Courts of Sudder Dewanny Adawlut in the *East Indies*, and for appointing Agents and Counsel for the different Parties in such Appeals, and to make such Orders for Security and Payment of the Costs thereof, as His said Majesty in Council shall think fit; and thereupon such Appeals shall be heard and reported on to His Majesty in Council, and shall be by His Majesty in Council determined in the same Manner, and the Judgments, Orders, and Decrees of His Majesty in Council thereon shall be of the same Force and Effect, as if the same had been brought to a Hearing by the Direction of the Parties appealing in the usual Course of proceeding: Provided always, that such last-mentioned Powers shall not extend to any Appeals from the said Courts of Sudder Dewanny Adawlut other than Appeals in which no Proceedings have been or shall hereafter be taken in *England* on either Side for a Period of Two Years subsequent to the Admission of the Appeal by such Court of Sudder Dewanny Adawlut.

Orders made on such Appeals to have effect notwithstanding Death of Parties, &c.

XXIII. And be it enacted, That in any Case where any Order shall have been made on any such Appeal as last aforesaid, the same shall have full Force and Effect notwithstanding the Death of any of the Parties interested therein; but that in all Cases where any such Appeal may have been withdrawn or discontinued, or any Compromise made in respect of the Matter in dispute, before the Hearing thereof, then the Determination of His Majesty in Council in respect of such Appeal shall have no Effect.

His Majesty empowered to make Orders for regulating the Mode, &c. of such Appeals.

XXIV. And be it further enacted, That it shall be lawful for His Majesty in Council from Time to Time to make any such Rules and Orders as may be thought fit for the regulating the Mode, Form, and Time of Appeal to be made from the Decisions of the said Courts of Sudder Dewanny Adawlut, or any other Courts of Judicature in *India* or elsewhere to the Eastward of the *Cape of Good Hope* (from the Decisions of which an Appeal lies to His Majesty in Council), and in like Manner from Time to Time to make such other Regulations for the preventing Delays in the making or hearing such Appeals, and as to the Expences attending the said Appeals, and as to the Amount or Value of the Property in respect of which any such Appeal may be made.

His Majesty empowered to appoint One of the Barons of the Court of Exchequer to sit in Equity in the Absence of the Chief Baron.

XXV. And whereas by an Act of Parliament passed in the Fifty-seventh Year of the Reign of His Majesty King George the Third, intituled *An Act to facilitate the hearing and determining of Suits in Equity in His Majesty's Court of Exchequer at Westminster*, it was enacted that the Lord Chief Baron of the said Court for the Time being should have Power to hear and determine all Causes, Matters, and Things which should be at any Time depending in the said Court of Exchequer as a Court of Equity, and that if the said Lord Chief Baron of the Court of Exchequer should by Sickness or any other unavoidable Cause be prevented from sitting on the Equity Side of the said Court for the Purposes in the said Act mentioned, then it should and might be lawful for His Majesty and His Successors to nominate

and

‘ and appoint from Time to Time by Warrant under the Royal Sign Manual, revocable at Pleasure, any One other of the Barons of the Degree of the Coif of the said Court for the Time being, to hear and determine the Causes, Matters, and Things in the said Act mentioned: And whereas by reason of the great Increase of Business on the Common Law or Plea Side of the said Court of Exchequer the Lord Chief Baron is prevented from giving so much Time as heretofore to the Sittings on the Equity Side of the said Court, and the Sittings on such Equity Side of the said Court being necessarily suspended during the Absence of the Lord Chief Baron, great Inconvenience is thereby sustained by the Suitors and Practitioners on the Equity Side of the said Court: And whereas the Lord Chief Baron may by this Act become liable to the Performance of other additional Duties unconnected with the said Court of Exchequer, and it is desirable that the said Court of Exchequer should sit as a Court of Equity without any unnecessary Interruption, for the Purpose of hearing and determining Causes, Matters, and Things depending in the said Court as a Court of Equity: And whereas Doubts have arisen whether or not the above-recited Act extends to Cases of the Lord Chief Baron being prevented from sitting by the Performance of Judicial Duties elsewhere;’ be it therefore declared and enacted, That it shall and may be lawful for His Majesty and His Successors to nominate and appoint from Time to Time by Warrant under the Royal Sign Manual, revocable at Pleasure, any One of the Barons of the Degree of the Coif of the said Court for the Time being to hear and determine (on such Days as the Lord Chief Baron of the said Court shall sit on the Common Law Side of the said Court during the Term, or shall preside at the Sittings at Nisi Prius in *London* or *Middlesex* after the Term, or shall attend at the Judicial Committee of His Majesty’s Privy Council under the Provisions of this Act) all Causes, Matters, and Things which shall at any Time be depending in the said Court of Exchequer as a Court of Equity.

XXVI. And be it further enacted, That during the Absence of the Chief Judge in Bankruptcy from the Court of Review established by virtue of an Act passed in the First and Second Year of His present Majesty, intituled *An Act to establish a Court in Bankruptcy*, by reason of his Attendance at the said Judicial Committee by virtue of this Act, any Two Judges of the said Court shall and may form a Court of Review in Bankruptcy, and shall and may make, do, and execute all Orders, Acts, Matters, Powers, and Things whatsoever which by virtue of the said Act the Judges of the said Court or any Three of them are authorized to make, do, or execute, and in all respects whatsoever as if Three of the said Judges were present, except that nothing herein contained shall authorize any Two Judges of the said Court to hear and determine any Matter brought under the Review of the said Court by way of Appeal from the Determination or Decision of any Commissioner or Subdivision Court appointed by virtue of the said Act.

XXVII. And be it further enacted, That all the Clauses and Provisions contained in the said Act of Parliament which relate to the Baron nominated and appointed under that Act shall apply and

Two Judges of the Court of Bankruptcy to act for the Chief Judge of the Court of Review during his Attendance at the said Judicial Committee.

Powers of Act 57 G. 3. extended to this Act.

be extended to the Baron nominated and appointed under the Authority of this Act.

Power of enforcing Decrees.

8 Dec. 1860

2 & 3 W. 4. c. 93.

XXVIII. And be it enacted, That the said Judicial Committee shall have and enjoy in all respects such and the same Power of punishing Contempts and of compelling Appearances, and that His Majesty in Council shall have and enjoy in all respects such and the same Powers of enforcing Judgments, Decrees, and Orders, as are now exercised by the High Court of Chancery or the Court of King's Bench, (and both in *personam* and in *rem*,) or as are given to any Court Ecclesiastical by an Act of Parliament passed in a Session of Parliament of the Second and Third Years of the Reign of His present Majesty, intituled *An Act for enforcing the Process upon Contempts in the Courts Ecclesiastical of England and Ireland*; and that all such Powers as are given to Courts Ecclesiastical, if of punishing Contempts or of compelling Appearances, shall be exercised by the said Judicial Committee, and if of enforcing Decrees and Orders shall be exercised by His Majesty in Council, in such and the same Manner as the Powers in and by such Act of Parliament given, and shall be of as much Force and Effect as if the same had been thereby expressly given to the said Committee or to His Majesty in Council.

Registrar of Court of Admiralty may attend the said Judicial Committee.

XXIX. And be it further enacted, That, subject to such Orders as His Majesty in Council shall from Time to Time make, it shall be lawful for the present Registrar of the High Court of Admiralty, if he shall so think fit, either in Person or by Deputy, to attend the Hearing by the said Judicial Committee of all Causes and Appeals which, but for this Act or the said last-mentioned Act, would have been heard by any Court or Commission which such Registrar was entitled to attend, in Person or by Deputy, by virtue of his Offices of Registrar of the High Courts of Admiralty, Delegates, and Appeals for Prizes, and likewise, subject to any Order of His Majesty in Council, to transact, perform, and do all Acts, Matters, and Things that shall be found necessary, or have heretofore been done by the said Registrar or his Deputies in respect of such Causes and Appeals.

Retired Judges attending the Judicial Committee to receive an Allowance.

XXX. And be it enacted, That Two Members of His Majesty's Privy Council who shall have held the Office of Judge in the *East Indies* or any of His Majesty's Dominions beyond the Seas, and who, being appointed for that Purpose by His Majesty, shall attend the Sittings of the Judicial Committee of the Privy Council, shall severally be entitled to receive, over and above any Annuity granted to them in respect of having held such Office as aforesaid, the Sum of Four hundred Pounds for every Year during which they shall so attend as aforesaid, as an Indemnity for the Expence which they may thereby incur; and such Sum of Four hundred Pounds shall be chargeable upon and paid out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*.

Nothing herein shall prevent the King's acceding to Treaties appointing certain Persons to hear Prize Appeals.

XXXI. Provided always, and be it enacted, That nothing herein contained shall be held to impeach or render void any Treaty or Engagement already entered into by or on behalf of His Majesty, or be taken to restrain His Majesty from acceding to any Treaty, with any Foreign Prince, Potentate, or Power, in which Treaty it shall be stipulated that any Person or Persons other than the said Judicial

Judicial Committee shall hear and finally adjudicate Appeals from His Majesty's Courts of Admiralty in Causes of Prize, but that the Judgments, Decrees, and Orders of such other Person or Persons so appointed by Treaty shall be of the same Force and Effect of which they would respectively have been if this Act had not been passed.

CAP. XLII.

An Act for the further Amendment of the Law, and the better Advancement of Justice. [14th August 1833.]

‘**W**HEREAS it would greatly contribute to the diminishing of Expenditure in Suits in the Superior Courts of Common Law at *Westminster* if the Pleadings therein were in some respects altered, and the Questions to be tried by the Jury left less at large than they now are according to the Course and Practice of pleading in several Forms of Action; but this cannot be conveniently done otherwise than by Rules or Orders of the Judges of the said Courts from Time to Time to be made, and Doubts may arise as to the Power of the said Judges to make such Alterations without the Authority of Parliament:’ Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Judges of the said Superior Courts, or any Eight or more of them, of whom the Chiefs of each of the said Courts shall be Three, shall and may, by any Rule or Order to be from Time to Time by them made, in Term or Vacation, at any Time within Five Years from the Time when this Act shall take effect, make such Alterations in the Mode of pleading in the said Courts, and in the Mode of entering and transcribing Pleadings, Judgments, and other Proceedings in Actions at Law, and such Regulations as to the Payment of Costs and otherwise for carrying into effect the said Alterations, as to them may seem expedient; and all such Rules, Orders, or Regulations shall be laid before both Houses of Parliament, if Parliament be then sitting, immediately upon the making of the same, or if Parliament be not sitting, then within Five Days after the next Meeting thereof, and no such Rule, Order, or Regulation shall have Effect until Six Weeks after the same shall have been so laid before both Houses of Parliament; and any Rule or Order so made shall, from and after such Time aforesaid, be binding and obligatory on the said Courts, and all other Courts of Common Law, and on all Courts of Error into which the Judgments of the said Courts or any of them shall be carried by any Writ of Error, and be of the like Force and Effect as if the Provisions contained therein had been expressly enacted by Parliament: Provided always, that no such Rule or Order shall have the Effect of depriving any Person of the Power of pleading the General Issue, and giving the special Matter in Evidence, in any Case wherein he is now or hereafter shall be entitled to do so by virtue of any Act of Parliament now or hereafter to be in force.

Judges to have Power to make Alterations in the Mode of pleading in the Superior Courts, &c.

Not to deprive any Person of the Power of pleading the General Issue.

II. ‘And whereas there is no Remedy provided by Law for Injuries to the Real Estate of any Person deceased, committed in his
‘Lifetime,

Executors may bring Actions for Injuries to

the Real Estates of the Deceased ;

and Actions may be brought against Executors for an Injury to Property, Real or Personal, by their Testator.

Limitation of Action of Debt on Specialties, &c.

Remedy for Infants, Femmes Covert, &c.

‘ Lifetime, nor for certain Wrongs done by a Person deceased in his Lifetime to another in respect of his Property, Real or Personal ;’ for Remedy thereof be it enacted, That an Action of Trespass, or Trespass on the Case, as the Case may be, may be maintained by the Executors or Administrators of any Person deceased for any Injury to the Real Estate of such Person, committed in his Lifetime, for which an Action might have been maintained by such Person, so as such Injury shall have been committed within Six Calendar Months before the Death of such deceased Person, and provided such Action shall be brought within One Year after the Death of such Person ; and the Damages, when recovered, shall be Part of the Personal Estate of such Person ; and further, that an Action of Trespass, or Trespass on the Case, as the Case may be, may be maintained against the Executors or Administrators of any Person deceased for any Wrong committed by him in his Lifetime to another in respect of his Property, Real or Personal, so as such Injury shall have been committed within Six Calendar Months before such Person’s Death, and so as such Action shall be brought within Six Calendar Months after such Executors or Administrators shall have taken upon themselves the Administration of the Estate and Effects of such Person ; and the Damages to be recovered in such Action shall be payable in like Order of Administration as the Simple Contract Debts of such Person.

III. And be it further enacted, That all Actions of Debt for Rent upon an Indenture of Demise, all Actions of Covenant or Debt upon any Bond or other Specialty, and all Actions of Debt or Scire facias upon any Recognizance, and also all Actions of Debt upon any Award where the Submission is not by Specialty, or for any Fine due in respect of any Copyhold Estates, or for an Escape, or for Money levied on any Fieri facias, and all Actions for Penalties, Damages, or Sums of Money given to the Party grieved, by any Statute now or hereafter to be in force, that shall be sued or brought at any Time after the End of the present Session of Parliament, shall be commenced and sued within the Time and Limitation hereinafter expressed, and not after ; that is to say, the said Actions of Debt for Rent upon an Indenture of Demise, or Covenant or Debt upon any Bond or other Specialty, Actions of Debt or Scire facias upon Recognizance, within Ten Years after the End of this present Session, or within Twenty Years after the Cause of such Actions or Suits, but not after ; the said Actions by the Party grieved, One Year after the End of this present Session, or within Two Years after the Cause of such Actions or Suits, but not after ; and the said other Actions within Three Years after the End of this present Session, or within Six Years after the Cause of such Actions or Suits, but not after ; provided that nothing herein contained shall extend to any Action given by any Statute where the Time for bringing such Action is or shall be by any Statute specially limited.

IV. And be it further enacted, That if any Person or Persons that is or are or shall be entitled to any such Action or Suit, or to such Scire facias, is or are or shall be, at the Time of any such Cause of Action accrued, within the Age of Twenty-one Years, Feme Covert, Non compos mentis, or beyond the Seas, then such Person or Persons shall be at liberty to bring the same Actions, so as they commence the same within such Times after their coming to or

or being of full Age, discover, of sound Memory, or returned from beyond the Seas, as other Persons having no such Impediment should, according to the Provisions of this Act, have done; and that if any Person or Persons against whom there shall be any such Cause of Action is or are, or shall be at the Time such Cause of Action accrued, beyond the Seas, then the Person or Persons entitled to any such Cause of Action shall be at liberty to bring the same against such Person or Persons within such Times as are before limited after the Return of such Person or Persons from beyond the Seas.

Absence of Defendants beyond Seas provided for.

V. Provided always, That if any Acknowledgment shall have been made, either by Writing signed by the Party liable by virtue of such Indenture, Specialty, or Recognizance, or his Agent, or by Part Payment or Part Satisfaction on account of any Principal or Interest being then due thereon, it shall and may be lawful for the Person or Persons entitled to such Actions to bring his or their Action for the Money remaining unpaid and so acknowledged to be due within Twenty Years after such Acknowledgment by Writing or Part Payment or Part Satisfaction as aforesaid, or in case the Person or Persons entitled to such Action shall at the Time of such Acknowledgment be under such Disability as aforesaid, or the Party making such Acknowledgment be, at the Time of making the same, beyond the Seas, then within Twenty Years after such Disability shall have ceased as aforesaid, or the Party shall have returned from beyond Seas, as the Case may be; and the Plaintiff or Plaintiffs in any such Action, or any Indenture, Specialty, or Recognizance, may, by way of Replication, state such Acknowledgment, and that such Action was brought within the Time aforesaid, in answer to a Plea of this Statute.

Proviso in case of Acknowledgment in Writing, or by Part Payment.

VI. And nevertheless be it enacted, if in any of the said Actions Judgment be given for the Plaintiff, and the same be reversed by Error, or a Verdict pass for the Plaintiff, and upon Matter alleged in Arrest of Judgment the Judgment be given against the Plaintiff, that he take nothing by his Plea, Writ, or Bill, or if in any of the said Actions the Defendant shall be outlawed, and shall after reverse the Outlawry, That in all such Cases the Party Plaintiff, his Executors or Administrators, as the Case shall require, may commence a new Action or Suit from Time to Time within a Year after such Judgment reversed, or such Judgment given against the Plaintiff, or Outlawry reversed, and not after.

The Limitation after Judgment or Outlawry reversed.

VII. And be it further enacted, That no Part of the United Kingdom of *Great Britain* and *Ireland*, nor the Islands of *Man*, *Guernsey*, *Jersey*, *Alderney*, and *Sark*, nor any Islands adjacent to any of them, being Part of the Dominions of His Majesty, shall be deemed to be beyond the Seas within the Meaning of this Act, or of the Act passed in the Twenty-first Year of the Reign of King *James* the First, intituled *An Act for Limitation of Actions, and for avoiding of Suits in Law*.

No Part of the United Kingdom, &c. to be deemed beyond the Seas within the Meaning of this Act.

VIII. And be it further enacted, That no Plea in Abatement for the Nonjoinder of any Person as a Co-defendant shall be allowed in any Court of Common Law unless it shall be stated in such Plea that such Person is resident within the Jurisdiction of the Court, and unless the Place of Residence of such Person shall be stated with convenient Certainty in an Affidavit verifying such Plea.

Restriction as to Plea in Abatement for Nonjoinder of a Co-defendant.

IX. And

Reply of Plaintiff to Plea in Abatement of Nonjoinder.

IX. And be it further enacted, That to any Plea in Abatement in any Court of Law of the Nonjoinder of another Person, the Plaintiff may reply that such Person has been discharged by Bankruptcy and Certificate, or under an Act for the Relief of Insolvent Debtors.

Provision in the Case of subsequent Proceedings against the Persons named in a Plea in Abatement.

X. And be it further enacted, That in all Cases in which after such Plea in Abatement the Plaintiff shall, without having proceeded to Trial upon an Issue thereon, commence another Action against the Defendant or Defendants in the Action in which such Plea in Abatement shall have been pleaded, and the Person or Persons named in such Plea in Abatement as joint Contractors, if it shall appear by the Pleadings in such subsequent Action, or on the Evidence at the Trial thereof, that all the original Defendants are liable, but that One or more of the Persons named in such Plea in Abatement or any subsequent Plea in Abatement are not liable as a contracting Party or Parties, the Plaintiff shall nevertheless be entitled to Judgment, or to a Verdict and Judgment, as the Case may be, against the other Defendant or Defendants who shall appear to be liable; and every Defendant who is not so liable shall have Judgment, and shall be entitled to his Costs as against the Plaintiff, who shall be allowed the same as Costs in the Cause against the Defendant or Defendants who shall have so pleaded in Abatement the Nonjoinder of such Person; provided that any such Defendant who shall have so pleaded in Abatement shall be at liberty on the Trial to adduce Evidence of the Liability of the Defendants named by him in such Plea in Abatement.

Misnomer not to be pleaded in Abatement.

XI. And be it further enacted, That no Plea in Abatement for a Misnomer shall be allowed in any Personal Action, but that in all Cases in which a Misnomer would but for this Act have been by Law pleadable in Abatement in such Actions, the Defendant shall be at liberty to cause the Declaration to be amended, at the Costs of the Plaintiff, by inserting the right Name, upon a Judge's Summons, founded on an Affidavit of the right Name; and in case such Summons shall be discharged, the Costs of such Application shall be paid by the Party applying, if the Judge shall think fit.

Initials of Names may be used in some Cases.

XII. And be it further enacted, That in all Actions upon Bills of Exchange or Promissory Notes, or other written Instruments, any of the Parties to which are designated by the initial Letter or Letters or some Contraction of the Christian or first Name or Names, it shall be sufficient in every Affidavit to hold to Bail, and in the Process or Declaration, to designate such Persons by the same initial Letter or Letters or Contraction of the Christian or first Name or Names, instead of stating the Christian or first Name or Names in full.

Wager of Law to be abolished.

XIII. And be it further enacted, That no Wager of Law shall be hereafter allowed.

Action of Debt on Simple Contract.

XIV. And be it further enacted, That an Action of Debt on Simple Contract shall be maintainable in any Court of Common Law against any Executor or Administrator.

Power to the Judges to make Regulations as to the Admission of written Documents.

XV. ' And whereas it is expedient to lessen the Expence of the Proof of written or printed Documents, or Copies thereof, on the Trial of Causes; ' be it further enacted, That it shall and may be lawful for the said Judges, or any such Eight or more of them as aforesaid, at any Time within Five Years after this Act shall take effect,

effect, to make Regulations by general Rules or Orders, from Time to Time, in Term or in Vacation, touching the voluntary Admission, upon an Application for that Purpose at a reasonable Time before the Trial, of one Party to the other of all such written or printed Documents or Copies of Documents as are intended to be offered in Evidence on the said Trial by the Party requiring such Admission, and touching the Inspection thereof before such Admission is made, and touching the Costs which may be incurred by the Proof of such Documents or Copies on the Trial of the Cause in case of the omitting to apply for such Admission, or the not producing of such Document or Copies for the Purpose of obtaining Admission thereof, or of the Refusal to make such Admission, as the Case may be, and as to the said Judges shall seem meet; and all such Rules and Orders shall be binding and obligatory in all Courts of Common Law, and of the like Force as if the Provisions therein contained had been expressly enacted by Parliament.

XVI. ' And whereas it would also lessen the Expence of Trials ' and prevent Delay if such Writs of Inquiry as herein-after mentioned were executed, and such Issues as herein-after mentioned were tried, before the Sheriff of the County where the Venue is ' laid;' be it therefore enacted, That all Writs issued under and by virtue of the Statute passed in the Session of Parliament held in the Eighth and Ninth Years of the Reign of King *William* the Third, intituled *An Act for the better preventing frivolous and vexatious Suits*, shall, unless the Court where such Action is pending, or a Judge of one of the said Superior Courts, shall otherwise order, direct the Sheriff of the County where the Action shall be brought to summon a Jury to appear before such Sheriff, instead of the Justices or Justice of Assize or Nisi Prius of that County, to inquire of the Truth of the Breaches suggested, and assess the Damages that the Plaintiff shall have sustained thereby, and shall command the said Sheriff to make Return thereof to the Court from whence the same shall issue at a Day certain, in Term or in Vacation, in such Writ to be mentioned; and such Proceedings shall be had after the Return of such Writ as are in the said Statute in that Behalf mentioned, in like Manner as if such Writ had been executed before a Justice of Assize or Nisi Prius.

XVII. And be it further enacted, That in any Action depending in any of the said Superior Courts for any Debt or Demand in which the Sum sought to be recovered, and endorsed on the Writ of Summons, shall not exceed Twenty Pounds, it shall be lawful for the Court in which such Suit shall be depending, or any Judge of any of the said Courts, if such Court or Judge shall be satisfied that the Trial will not involve any difficult Question of Fact or Law, and such Court or Judge shall think fit so to do, to order and direct that the Issue or Issues joined shall be tried before the Sheriff of the County where the Action is brought, or any Judge of any Court of Record for the Recovery of Debt in such County, and for that Purpose a Writ shall issue directed to such Sheriff, commanding him to try such Issue or Issues, by a Jury to be summoned by him, and to return such Writ with the Finding of the Jury thereon indorsed, at a Day certain, in Term or in Vacation, to be named in such Writ; and thereupon such Sheriff or Judge shall summon a Jury, and shall proceed to try such Issue or Issues.

Writs of Inquiry under the Statute 8 & 9. Will. 3. c. 11. to be executed before the Sheriff, unless otherwise ordered.

Power to direct Issues joined in certain Actions to be tried before the Sheriff or any Judge.

XVIII. And

Upon the Return of a Writ of Inquiry or a Trial of Issues, Judgment to be signed, unless, &c.

Sheriff, as to such Issues, to have the like Powers as Judges at Nisi Prius.

Provisions of 1 W. 4. c. 7. to extend to such Writs of Inquiry and Issues.

Sheriffs to name Deputies to be resident in London.

Defendant to be allowed to pay Money into Court in certain Actions by Judge's Order.

Power to direct local Actions to be tried in any County.

XVIII. And be it further enacted, That at the Return of any such Writ of Inquiry, or Writ for the Trial of such Issue or Issues as aforesaid, Costs shall be taxed, Judgment signed, and Execution issued forthwith, unless the Sheriff or his Deputy before whom such Writ of Inquiry may be executed, or such Sheriff, Deputy, or Judge before whom such Trial shall be had, shall certify under his Hand upon such Writ that Judgment ought not to be signed until the Defendant shall have had an Opportunity to apply to the Court for a new Inquiry or Trial, or a Judge of any of the said Courts shall think fit to order that Judgment or Execution shall be stayed till a Day to be named in such Order; and the Verdict of such Jury on the Trial of such Issue or Issues shall be as valid and of the like Force as a Verdict of a Jury at Nisi Prius; and the Sheriff or his Deputy, or Judge, presiding at the Trial of such Issue or Issues, shall have the like Powers with respect to Amendment on such Trial as are herein-after given to Judges at Nisi Prius.

XIX. Provided also, That all and every the Provisions contained in the Statute made and passed in the First Year of the Reign of His present Majesty, intituled *An Act for the more speedy Judgment and Execution in Actions brought in His Majesty's Courts of Law at Westminster, and in the Court of Common Pleas of the County Palatine of Lancaster, and for amending the Law as to Judgment on a Cognition actionem in Cases of Bankruptcy*, shall, so far as the same are applicable thereto, be extended and applied to Judgments and Executions upon such Writs of Inquiry and Writs for the Trials of Issues, in like Manner as if the same were expressly re-enacted herein.

XX. And be it further enacted, That from and after the First Day of June One thousand eight hundred and thirty-three the Sheriff of each County in *England and Wales* shall severally name a sufficient Deputy, who shall be resident or have an Office within One Mile from the *Inner Temple Hall*, for the Receipt of Writs, granting Warrants thereon, making Returns thereto, and accepting of all Rules and Orders to be made on or touching the Execution of any Process or Writ to be directed to such Sheriff.

XXI. And be it further enacted, That it shall be lawful for the Defendant in all Personal Actions, (except Actions for Assault and Battery, false Imprisonment, Libel, Slander, malicious Arrest or Prosecution, Criminal Conversation or debauching of the Plaintiff's Daughter or Servant,) by Leave of any of the said Superior Courts where such Action is pending, or a Judge of any of the said Superior Courts, to pay into Court a Sum of Money by way of Compensation or Amends, in such Manner and under such Regulations as to the Payment of Costs and the Form of Pleading as the said Judges, or such Eight or more of them as aforesaid, shall, by any Rules or Orders by them to be from Time to Time made, order and direct.

XXII. ' And whereas unnecessary Delay and Expence is sometimes occasioned by the Trial of local Actions in the County where the Cause of Action has arisen;' be it therefore enacted, That in any Action depending in any of the said Superior Courts, the Venue in which is by Law local, the Court in which such Action shall be depending, or any Judge of any of the said Courts, may, on the Application of either Party, order the Issue to be tried, or Writ of

Inquiry

Inquiry to be executed, in any other County or Place than that in which the Venue is laid; and for that Purpose any such Court or Judge may order a Suggestion to be entered on the Record, that the Trial may be more conveniently had, or Writ of Inquiry executed, in the County or Place where the same is ordered to take place.

XXIII. ‘ And whereas great Expence is often incurred, and Delay or Failure of Justice takes place, at Trials, by reason of Vacancies as to some Particular or Particulars between the Proof and the Record or setting forth, on the Record or Document on which the Trial is had, of Contracts, Customs, Prescriptions, Names, and other Matters or Circumstances not material to the Merits of the Case, and by the Mis-statement of which the opposite Party cannot have been prejudiced, and the same cannot in any Case be amended at the Trial, except where the Variance is between any Matter in Writing or in Print produced in Evidence and the Record : And whereas it is expedient to allow such Amendments as herein-after mentioned to be made on the Trial of the Cause;’ be it therefore enacted, That it shall be lawful for any Court of Record, holding Plea in Civil Actions, and any Judge sitting at Nisi Prius, if such Court or Judge shall see fit so to do, to cause the Record, Writ, or Document on which any Trial may be pending before any such Court or Judge, in any Civil Action, or in any Information in the Nature of a Quo warranto, or Proceedings on a Mandamus, when any Variance shall appear between the Proof and the Recital or setting forth, on the Record, Writ, or Document on which the Trial is proceeding, of any Contract, Custom, Prescription, Name, or other Matter, in any Particular or Particulars in the Judgment of such Court or Judge not material to the Merits of the Case, and by which the opposite Party cannot have been prejudiced in the Conduct of his Action, Prosecution, or Defence, to be forthwith amended by some Officer of the Court or otherwise, both in the Part of the Pleadings where such Variance occurs, and in every other Part of the Pleadings which it may become necessary to amend, on such Terms as to Payment of Costs to the other Party, or postponing the Trial to be had before the same or another Jury, or both Payment of Costs and Postponement, as such Court or Judge shall think reasonable; and in case such Variance shall be in some Particular or Particulars in the Judgment of such Court or Judge not material to the Merits of the Case, but such as that the opposite Party may have been prejudiced thereby in the Conduct of his Action, Prosecution, or Defence, then such Court or Judge shall have Power to cause the same to be amended upon Payment of Costs to the other Party, and withdrawing the Record or postponing the Trial as aforesaid, as such Court or Judge shall think reasonable; and after any such Amendment the Trial shall proceed, in case the same shall be proceeded with, in the same Manner in all respects, both with respect to the Liability of Witnesses to be indicted for Perjury, and otherwise, as if no such Variance had appeared; and in case such Trial shall be had at Nisi Prius or by virtue of such Writ as aforesaid, the Order for the Amendment shall be indorsed on the Postea or the Writ, as the Case may be, and returned together with the Record or Writ, and thereupon such Papers, Rolls, and other Records of the Court from

Allowing Amendments to be made on the Record in certain Cases.

from which such Record or Writ issued, as it may be necessary to amend, shall be amended accordingly; and in case the Trial shall be had in any Court of Record, then the Order for Amendment shall be entered on the Roll or other Document upon which the Trial shall be had; provided that it shall be lawful for any Party who is dissatisfied with the Decision of such Judge at Nisi Prius, Sheriff, or other Officer, respecting his Allowance of any such Amendment, to apply to the Court from which such Record or Writ issued for a new Trial upon that Ground, and in case any such Court shall think such Amendment improper, a new Trial shall be granted accordingly, on such Terms as the Court shall think fit, or the Court shall make such other Order as to them may seem meet.

Power for the Court or Judge to direct the Facts to be found specially.

XXIV. And be it further enacted, That the said Court or Judge shall and may, if they or he think fit, in all such Cases of Variance, instead of causing the Record or Document to be amended as aforesaid, direct the Jury to find the Fact or Facts according to the Evidence, and thereupon such Finding shall be stated on such Record or Document, and, notwithstanding the Finding on the Issue joined, the said Court or the Court from which the Record has issued shall, if they shall think the said Variance immaterial to the Merits of the Case, and the Mis-statement such as could not have prejudiced the opposite Party in the Conduct of the Action or Defence, give Judgment according to the very Right and Justice of the Case.

Power to state a special Case without proceeding to Trial.

XXV. And be it further enacted, That it shall be lawful for the Parties in any Action or Information, after Issue joined, by Consent and by Order of any of the Judges of the said Superior Courts, to state the Facts of the Case, in the Form of a special Case, for the Opinion of the Court, and to agree that a Judgment shall be entered for the Plaintiff or Defendant, by Confession or of Nolle prosequi, immediately after the Decision of the Case, or otherwise as the Court may think fit; and Judgment shall be entered accordingly.

Witnesses interested solely on account of the Verdict to be admissible.

XXVI. And in order to render the Rejection of Witnesses on the Ground of Interest less frequent, be it further enacted, That if any Witness shall be objected to as incompetent on the Ground that the Verdict or Judgment in the Action on which it shall be proposed to examine him would be admissible in Evidence for or against him, such Witness shall nevertheless be examined, but in that Case a Verdict or Judgment in that Action in favour of the Party on whose Behalf he shall have been examined shall not be admissible in Evidence for him or any one claiming under him, nor shall a Verdict or Judgment against the Party on whose Behalf he shall have been examined be admissible in Evidence against him or any one claiming under him.

Direction to indorse the Name of the Witness on the Record.

XXVII. And be it further enacted, That the Name of every Witness objected to as incompetent on the Ground that such Verdict or Judgment would be admissible in Evidence for or against him shall at the Trial be indorsed on the Record or Document on which the Trial shall be had, together with the Name of the Party on whose Behalf he was examined, by some Officer of the Court, at the Request of either Party, and shall be afterwards entered on the Record of the Judgment; and such Indorsement or Entry shall be sufficient Evidence that such Witness was examined in any sub-

sequent Proceeding in which the Verdict or Judgment shall be offered in Evidence.

XXVIII. And be it further enacted, That upon all Debts or Sums certain, payable at a certain Time or otherwise, the Jury on the Trial of any Issue, or on any Inquisition of Damages, may, if they shall think fit, allow Interest to the Creditor at a Rate not exceeding the current Rate of Interest from the Time when such Debts or Sums certain were payable, if such Debts or Sums be payable by virtue of some written Instrument at a certain Time, or if payable otherwise, then from the Time when Demand of Payment shall have been made in Writing, so as such Demand shall give Notice to the Debtor that Interest will be claimed from the Date of such Demand until the Term of Payment; provided that Interest shall be payable in all Cases in which it is now payable by Law.

Jury empowered to allow Interest upon Debts.

XXIX. And be it further enacted, That the Jury on the Trial of any Issue, or on any Inquisition of Damages, may, if they shall think fit, give Damages in the Nature of Interest, over and above the Value of the Goods at the Time of the Conversion or Seizure, in all Actions of Trover or Trespass de bonis asportatis, and over and above the Money recoverable in all Actions on Policies of Assurance made after the passing of this Act.

In certain Actions the Jury may give Damages in the Nature of Interest.

XXX. And be it further enacted, That if any Person shall sue out any Writ of Error upon any Judgment whatsoever given in any Court in any Action personal, and the Court of Error shall give Judgment for the Defendant thereon, then Interest shall be allowed by the Court of Error for such Time as Execution has been delayed by such Writ of Error, for the delaying thereof.

Interest to be allowed on all Writs of Error for the Time that Execution has been delayed.

XXXI. And be it further enacted, That in every Action brought by any Executor or Administrator in right of the Testator or Intestate, such Executor or Administrator shall, unless the Court in which such Action is brought, or a Judge of any of the said Superior Courts, shall otherwise order, be liable to pay Costs to the Defendant in case of being nonsuited or a Verdict passing against the Plaintiff, and in all other Cases in which he would be liable if such Plaintiff were suing in his own Right upon a Cause of Action accruing to himself; and the Defendant shall have Judgment for such Costs, and they shall be recovered in like Manner.

Executors suing in right of the Testator to pay Costs.

XXXII. And be it further enacted, That where several Persons shall be made Defendants in any Personal Action, and any One or more of them shall have a Nolle prosequi entered as to him or them, or upon the Trial of such Action shall have a Verdict pass for him or them, every such Person shall have Judgment for and recover his reasonable Costs, unless, in the Case of a Trial, the Judge before whom such Cause shall be tried shall certify upon the Record, under his Hand, that there was a reasonable Cause for making such Person a Defendant in such Action.

One or more of several Defendants in any Action having a Nolle prosequi or a Verdict shall have Costs.

XXXIII. And be it further enacted, That where any Nolle prosequi shall have been entered upon any Count, or as to Part of any Declaration, the Defendant shall be entitled to, and have Judgment for, and recover his reasonable Costs in that Behalf.

Where Nolle prosequi entered upon any Count, &c.

XXXIV. And be it further enacted, That in all Writs of Scire facias the Plaintiff obtaining Judgment on an Award of Execution shall recover his Costs of Suit upon a Judgment by Default as well

Plaintiff in Scire facias, and Plaintiff or Defendant on

Demurrer, to
have Costs.

as upon a Judgment after Plea pleaded or Demurrer joined; and that where Judgment shall be given either for or against a Plaintiff or Demandant, or for or against a Defendant or Tenant, upon any Demurrer joined in any Action whatever, the Party in whose Favour such Judgment shall be given shall also have Judgment to recover his Costs in that Behalf.

Costs of Special Juries in
case of a Non-
suit.

6 G. 4. c. 50.

XXXV. ' And whereas it is provided in and by a Statute passed
' in the Sixth Year of the Reign of His late Majesty, intituled *An*
' *Act for consolidating and amending the Law relative to Jurors and*
' *Juries*, that the Person or Party who shall apply for a Special
' Jury shall pay the Fees for striking such Jury, and all the Ex-
' pences occasioned by the Trial of the Cause by the same, and
' shall not have any further or other Allowance for the same, upon
' Taxation of Costs, than such Person or Party would be entitled
' unto in case the Cause had been tried by a common Jury, unless
' the Judge before whom the Cause is tried shall, immediately after
' the Verdict, certify under his Hand, upon the Back of the Record,
' that the same was a Cause proper to be tried by a Special Jury :
' And whereas the said Provision does not apply to Cases in which
' the Plaintiff has been nonsuited, and it is expedient that the Judge
' should have such Power of certifying as well when a Plaintiff is
' nonsuited as when he has a Verdict against him ;' be it therefore
enacted, That the said Provision of the said last-mentioned Act of
Parliament, and every thing therein contained, shall apply to Cases
in which the Plaintiff shall be nonsuited as well as to Cases in which
a Verdict shall pass against him.

Power to make
Regulations as
to the Officers
of each Court
at Westminster
taxing Costs.

XXXVI. ' And whereas it would tend to the better Dispatch
' of Business, and would be more convenient, and better assimilate
' the Practice and promote Uniformity in the Allowance of Costs,
' if the Officers on the Plea Side of the Courts of King's Bench and
' Exchequer, and the Officers of the Court of Common Pleas at
' *Westminster*, who now perform the Duties of taxing Costs, were
' to be empowered to tax Costs which have arisen or may arise in
' each of the said Courts indiscriminately ;' be it therefore enacted,
That it shall be lawful for the Judges of the said Courts, or such
Eight or more of them as aforesaid, by any Rule or Order to be
from Time to Time made, in Term or Vacation, to make such
Regulations for the Taxation of Costs by any of the said Officers
of the said Courts indiscriminately as to them may seem expedient,
although such Costs may not have arisen in respect of Business
done in the Court to which such Officer belongs, and to appoint
some convenient Place in which the Business of Taxation shall be
transacted for all the said Courts, and to alter the same when and
as it may seem to them expedient.

Executors of
Lessor may dis-
train for Arrears
in his Lifetime.

XXXVII. And be it further enacted, That it shall be lawful
for the Executors or Administrators of any Lessor or Landlord to
distrain upon the Lands demised for any Term, or at Will, for the
Arrearages of Rent due to such Lessor or Landlord in his Life-
time, in like Manner as such Lessor or Landlord might have done
in his Lifetime.

Arrears may be
distrained for
within Six
Months after
Determination
of Term.

XXXVIII. And be it further enacted, That such Arrearages
may be distrained for after the End or Determination of such Term
or Lease, at Will, in the same Manner as if such Term or Lease
had not been ended or determined ; provided that such Distress be
made

made within the Space of Six Calendar Months after the Determination of such Term or Lease, and during the Continuance of the Possession of the Tenant from whom such Arrears became due: Provided also, that all and every the Powers and Provisions in the several Statutes made relating to Distresses for Rent shall be applicable to the Distresses so made as aforesaid.

XXXIX. 'And whereas it is expedient to render References to Arbitration more effectual,' be it further enacted, That the Power and Authority of any Arbitrator or Umpire appointed by or in pursuance of any Rule of Court, or Judge's Order, or Order of Nisi Prius, in any Action now brought or which shall be hereafter brought, or by or in pursuance of any Submission to Reference containing an Agreement that such Submission shall be made a Rule of any of His Majesty's Courts of Record, shall not be revocable by any Party to such Reference without the Leave of the Court by which such Rule or Order shall be made, or which shall be mentioned in such Submission, or by Leave of a Judge; and the Arbitrator or Umpire shall and may and is hereby required to proceed with the Reference notwithstanding any such Revocation, and to make such Award, although the Person making such Revocation shall not afterwards attend the Reference; and that the Court or any Judge thereof may from Time to Time enlarge the Term for any such Arbitrator making his Award.

Submission to Arbitration by Rule of Court, &c. not to be revocable without Leave of the Court.

XL. And be it further enacted, That when any Reference shall have been made by any such Rule or Order as aforesaid, or by any Submission containing such Agreement as aforesaid, it shall be lawful for the Court by which such Rule or Order shall be made, or which shall be mentioned in such Agreement, or for any Judge, by Rule or Order to be made for that Purpose, to command the Attendance and Examination of any Person to be named, or the Production of any Documents to be mentioned in such Rule or Order; and the Disobedience to any such Rule or Order shall be deemed a Contempt of Court, if, in addition to the Service of such Rule or Order, an Appointment of the Time and Place of Attendance in obedience thereto, signed by One at least of the Arbitrators, or by the Umpire, before whom the Attendance is required, shall also be served either together with or after the Service of such Rule or Order: Provided always, that every Person whose Attendance shall be so required shall be entitled to the like Conduct Money, and Payment of Expences and for Loss of Time, as for and upon Attendance at any Trial: Provided also, that the Application made to such Court or Judge for such Rule or Order shall set forth the County where such Witness is residing at the Time, or satisfy such Court or Judge that such Person cannot be found: Provided also, that no Person shall be compelled to produce, under any such Rule or Order, any Writing or other Document that he would not be compelled to produce at a Trial, or to attend at more than Two consecutive Days, to be named in such Order.

Power to compel the Attendance of Witnesses.

XLI. And be it further enacted, That when in any Rule or Order of Reference, or in any Submission to Arbitration containing an Agreement that the Submission shall be made a Rule of Court, it shall be ordered or agreed that the Witnesses upon such Reference shall be examined upon Oath, it shall be lawful for the Arbitrator or Umpire, or any One Arbitrator, and he or they are

Power for the Arbitrators under a Rule of Court to administer an Oath.

hereby authorized and required, to administer an Oath to such Witnesses, or to take their Affirmation in Cases where Affirmation is allowed by Law instead of Oath; and if upon such Oath or Affirmation any Person making the same shall wilfully and corruptly give any false Evidence, every Person so offending shall be deemed and taken to be guilty of Perjury, and shall be prosecuted and punished accordingly.

Power of granting Commissions to take Affidavits to extend to Scotland and Ireland.

XLII. 'And whereas it would be convenient if the Power of the Superior Courts of Common Law and Equity at *Westminster* to grant Commissions for taking Affidavits to be used in the said Courts respectively should be extended;' be it further enacted by the Authority aforesaid, That the Lord High Chancellor, Lord Keeper or Lords Commissioners of the Great Seal, the said Courts of Law, and the several Judges of the same, shall have such and the same Powers for granting Commissions for taking and receiving Affidavits in *Scotland* and *Ireland*, to be used and read in the said Courts respectively, as they now have in all and every the Shires and Counties within the Kingdom of *England*, and Dominion of *Wales*, and Town of *Berwick-upon-Tweed*, and in the *Isle of Man*, by virtue of the Statutes now in force; and that all and every Person and Persons wilfully swearing or affirming falsely in any Affidavit to be made before any Person or Persons who shall be so empowered to take Affidavits under the Authority aforesaid shall be deemed guilty of Perjury, and shall incur and be liable to the same Pains and Penalties as if such Person had wilfully sworn or affirmed falsely in the open Court in which such Affidavit shall be entitled, and be liable to be prosecuted for such Perjury in any Court of competent Jurisdiction in that Part of the United Kingdom in which such Offence shall have been committed, or in that Part of the United Kingdom in which such Person shall be apprehended on such a Charge.

For the Abolition of certain Holidays.

5 & 6 Edw. 6. c. 3.

XLIII. 'And whereas the Observance of Holidays in the said Courts of Common Law during Term Time, and in the Offices belonging to the same, on the several Days on which Holidays are now kept, is very inconvenient, and tends to Delay in the Administration of Justice;' be it therefore enacted by the Authority aforesaid, That none of the several Days mentioned in the Statute passed in the Sessions of Parliament holden in the Fifth and Sixth Years of the Reign of King *Edward* the Sixth, intituled *An Act for keeping Holidays and Fasting Days*, shall be observed or kept in the said Courts, or in the several Offices belonging thereto, except *Sundays*, the Day of the Nativity of our Lord and the Three following Days, and *Monday* and *Tuesday* in *Easter* Week.

Commencement of Act.

XLIV. And be it further enacted, That this Statute shall commence and take effect on the First Day of *June*. One thousand eight hundred and thirty-three.

Not to extend to Ireland or Scotland.

XLV. And be it further enacted, That nothing in this Act shall extend to that Part of the United Kingdom called *Ireland*, or that Part of the United Kingdom called *Scotland*, except in the Cases herein-before specially mentioned.

CAP. XLIII.

An Act for transferring to the Commissioners of His Majesty's Woods and Forests the several Powers now vested in the *Holyhead Road Commissioners*, and for discharging the last-mentioned Commissioners from the future Repairs and Maintenance of the Roads, Harbours, and Bridges now under their Care and Management. 314 ~~6.4-104~~
112

[14th August 1833.]

WHEREAS an Act was passed in the Fourth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for vesting in Commissioners the Bridges now building over the Menai Straits and the River Conway, and the Harbour of Howth and Holyhead, and the Road from Dublin to Howth, and for the further Improvement of the Road from London to Holyhead*, by which said Act certain Commissioners were appointed for carrying the Powers of the said Act and of the several other Acts therein mentioned into execution: And whereas an Act was passed in the Sixth Year of the Reign of His said late Majesty King George the Fourth, intituled *An Act to extend the Powers of an Act for vesting in Commissioners the Bridges building over the Menai Straits and the River Conway, and the Harbours of Howth and Holyhead, and the Road from Dublin to Howth, and for the further Improvement of the Road from London to Holyhead*: And whereas an Act was passed in the Seventh Year of the Reign of His said late Majesty King George the Fourth, intituled *An Act for further extending the Powers of an Act for vesting in Commissioners the Bridges building over the Menai Straits and the River Conway, and the Harbours of Howth and Holyhead, and the Road from Dublin to Howth, and for the further Improvement of the Road from London to Holyhead*: And whereas an Act was passed in the Seventh and Eighth Years of the Reign of His said late Majesty King George the Fourth, intituled *An Act for the further Improvement of the Road from London to Holyhead, and of the Road from London to Liverpool*: And whereas an Act was passed in the Ninth Year of the Reign of His said late Majesty King George the Fourth, intituled *An Act for the further Improvement of the Road from London to Holyhead, and of the Road from London to Liverpool*: And whereas an Act was passed in the First Year of the Reign of His present Majesty, intituled *An Act to alter and amend several Acts, for the Improvement of the Roads from London to Holyhead and from London to Liverpool; and for the further Improvement of the said Roads*: And whereas under and by virtue of the Powers and Authorities contained in the said several Acts herein-before mentioned large Sums of Money have been issued and applied in the building and completing the Bridges over the *Menai Straits* and the *River Conway*, in repairing and improving the Harbours of *Howth* and *Holyhead*, and in the making, repairing, and amending the several Roads, and in executing the several other Works in those Acts mentioned, under the Superintendence of the Commissioners appointed in and by the said recited Act of the Fourth Year of the Reign of His said late Majesty; and many important Improvements have

4 G. 4. c. 74.
6 G. 4. c. 100.
7 G. 4. c. 76.
7 & 8 G. 4. c. 35.
9 G. 4. c. 65.
1 W. 4. c. 67.

Z 3

been

‘ been effected and are now carrying on on the said Roads, and
 ‘ further intended Improvements on the said several Roads still
 ‘ remain to be carried into effect : And whereas it is of great public
 ‘ Importance, towards the maintaining and facilitating the Inter-
 ‘ course between *Great Britain* and *Ireland*, that the said Bridges,
 ‘ Roads, Harbours, and other Improvements already erected and
 ‘ made, and now making, should be preserved and maintained and
 ‘ kept in a proper and efficient State of Repair : And whereas the
 ‘ said several Improvements and Works may be more effectually
 ‘ preserved and performed and carried into effect if the several
 ‘ Powers and Authorities given by the said several Acts herein-
 ‘ before recited to the Commissioners appointed by the said recited
 ‘ Act of the Fourth Year of the Reign of His said late Majesty as
 ‘ aforesaid were transferred to the Commissioners of His Majesty’s
 ‘ Woods, Forests, Land Revenues, Works, and Buildings, and such
 ‘ other Person or Persons as may be nominated and appointed in
 ‘ manner herein-after mentioned :’ Be it therefore enacted by the
 King’s most Excellent Majesty, by and with the Advice and Consent
 of the Lords Spiritual and Temporal, and Commons, in this present
 Parliament assembled, and by the Authority of the same, That from
 and after the passing of this Act the Commissioners appointed in
 and by the said recited Act of the Fourth Year of the Reign of His
 late Majesty King *George* the Fourth shall be discharged from and
 shall cease to carry into execution all or any of the Trusts and
 Powers vested in them by the said recited Act of the Fourth Year
 of the Reign of His said late Majesty, and by the said several
 other Acts herein-before recited, or any of them.

Powers of
Commissioners
under 4 G. 4.
c. 74. to cease.

Appointment
of Commis-
sioners.

II. And be it further enacted, That the Commissioners of His Majesty’s Woods, Forests, Land Revenues, Works, and Buildings for the Time being, and such other Person or Persons as shall be nominated and appointed in manner herein-after mentioned, shall be Commissioners for carrying into execution the Powers and Provisions of the said several herein-before recited Acts and this Act.

Power to ap-
point additional
Commissioners.

III. And be it further enacted, That it shall be lawful for the Lord High Treasurer, or the Commissioners of His Majesty’s Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being, or any Three or more of them, by any Writing under their Hands, to elect and appoint any Number of Persons (not exceeding Four in the whole) to be Commissioners for the Execution of this Act, in addition to the Commissioners herein-before nominated and appointed ; and such Commissioners so elected shall have and possess and are hereby declared to be invested with the same and like Powers and Authorities for the Execution of this Act as if they had been specially named and appointed in and by this Act.

Appointment of
new Commis-
sioners in Cases
of Death, Re-
signation, &c.

IV. And be it further enacted, That in case of a Vacancy by Death or Resignation of any of the Commissioners to be elected and appointed as last aforesaid it shall and may be lawful for the said Lord High Treasurer, or the Commissioners of the Treasury for the Time being, or any Three or more of them, and they are hereby required, from Time to Time, by Writing under their Hands, to nominate and appoint any Person or Persons they may think proper to supply such Vacancy or Vacancies ; and every Person so nominated and appointed shall have and possess and is hereby declared to be invested with the same and the like Powers and

Authorities

Authorities for the Execution of this Act as the Commissioner in whose Room such Person shall be nominated and appointed.

V. And be it further enacted, That it shall and may be lawful for the Commissioners for the Execution of this Act, and they are hereby authorized, empowered, and required, to exercise and carry into effect all the Powers, Authorities, Clauses, Enactments, and Provisions contained in the said recited Act of the Fourth Year of the Reign of His said late Majesty King *George* the Fourth, and in the several other Acts herein-before recited, either expressly or by reference to any other Act or Acts, as fully, amply, and effectually as the same could have been carried into effect and exercised by the Commissioners appointed by the said recited Act of the Fourth Year of the Reign of His late Majesty as aforesaid, or as if the Commissioners for the Execution of this Act had been named in the said last-mentioned Act instead of these Commissioners thereby appointed.

Powers of former Acts vested in the Commissioners.

VI. And be it further enacted, That the Powers and Provisions of this Act shall be executed by the Commissioners for the Execution of this Act at Meetings to be held as herein-after mentioned; and that at any such Meeting it shall be sufficient if Three Commissioners shall be present; but no Act shall be done at any Meeting unless the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings, for the Time being, or One of them, shall be present; and for the Purpose of executing the Powers and Provisions of this Act the said Commissioners shall and they are hereby required to meet from Time to Time at such Times and Places as shall be expedient.

Meetings of Commissioners.

VII. And be it further enacted, That the several Officers appointed by the Commissioners named in the said recited Act of the Fourth Year of the Reign of His said late Majesty King *George* the Fourth shall continue to act in the same Capacity, for the Purposes of this Act, until they shall be removed by the Commissioners for the Execution of this Act; and such several Officers shall account to the said Commissioners for the Execution of this Act in the same Manner as they would have done if they had been appointed by such last-mentioned Commissioners.

Officers under former Acts to continue till removed.

VIII. And be it further enacted, That the several Roads, Harbours, and Bridges which by the said herein-before recited Act of the Fourth Year of the Reign of His late Majesty King *George* the Fourth were vested in the Commissioners appointed by that Act, and all other Roads and Bridges, and all Turnpikes, Tolls, Toll Houses, Gates, Weighing Machines, and all Lands, Houses, Quarries, and Gravel Pits; or other Hereditaments, Properties, Rights, and Privileges whatsoever, vested in such Commissioners under the said recited Acts, shall from and after the passing of this Act be and become and shall remain vested in the Commissioners for the Time being for the Execution of this Act; and all Materials, Tools, Barrows, Furniture, and other Things which now belong to the Commissioners for the Execution of the said Act of the Fourth Year of the Reign of His said late Majesty shall from henceforth belong to and shall be and become the Property of the Commissioners for the Execution of this Act.

Roads, Harbours, and Bridges, &c. vested in Commissioners under this Act.

IX. And be it further enacted, That all Loans or Sums of Money which have been borrowed or raised or which may be now

Securities for Loans borrowed under former

Acts not to be prejudiced by this Act; and Leases and Contracts to continue valid.

due and owing by the Commissioners appointed by the said recited Act of the Fourth Year of the Reign of His said late Majesty King *George* the Fourth as aforesaid, under or by virtue of the Provisions of the herein-before recited Acts or any of them, and all Interest due and to grow due thereon respectively, shall be paid and discharged by the Commissioners for the Execution of this Act, as fully and effectually to all Intents and Purposes as if such Monies had become due and owing from the said last-mentioned Commissioners; and all and every Person and Persons who may owe or be subject or liable to the Payment of any Sum or Sums of Money to the said Commissioners appointed by the said recited Act of the Fourth Year of the Reign of His said late Majesty as aforesaid, or to any other Person or Persons for the Benefit of the said Commissioners, shall be liable to the Payment of all such Sum and Sums of Money to the Commissioners for the Execution of this Act; and all Leases, Deeds, Bonds, Covenants, Agreements, Contracts, and Securities entered into by any Person or Persons to or with the said Commissioners appointed by the said recited Act of the Fourth Year of the Reign of His said late Majesty as aforesaid, or to or with their Clerk, Treasurer, or other Officer, under or by virtue of the Powers or Directions of either of the said herein-before recited Acts, shall remain in full Force and Effect, and shall be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed on account and for the Benefit of the Commissioners for the Execution of this Act, and shall be vested in such last-mentioned Commissioners, and shall and may be enforced and recovered upon in any Action or Suit to be brought and carried on in the Name of the Clerk for the Time being to the said last-mentioned Commissioners; and all Leases, Deeds, Assignments, Securities, Contracts, or Agreements duly made or entered into by the said Commissioners appointed by the said recited Act of the Fourth Year of the Reign of His said late Majesty as aforesaid, to or with any Person or Persons, shall remain in full Force and Effect, and be observed and kept by the said Commissioners for the Execution of this Act, according to the Terms and Stipulations thereof respectively, and shall and may be enforced and recovered upon in any Action or Suit to be brought against the Clerk for the Time being to the said last-mentioned Commissioners.

All Monies now in the Hands of the Commissioners under 4 G. 4. c. 74. or hereafter to be received by the Commissioners under this Act, to be paid into the Bank of England to the Account of the Commissioners of Woods, &c.

X. And be it further enacted, That all Monies, Bills, or Drafts now in the Hands of the Commissioners acting in execution of the said recited Act of the Fourth Year of the Reign of His late Majesty King *George* the Fourth, or of their Treasurer or Secretary, or in any Bank placed to the Credit of any Account or Accounts under the Controul of the said Commissioners or of their Treasurer or Secretary, shall immediately after the passing of this Act be paid into the Bank of *England* to the Account of the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings, intituled "The Woods and Forests Fund," or to such other Account with the said Bank of *England* as the said Commissioners for the Time being of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall direct; and all Sums of Money, Bills, and Drafts which shall hereafter be received by the Commissioners for the Execution of this Act, their Agents or Receivers, on account of Tolls, Rates, and Assessments, or from any other

other Source whatsoever, under or by virtue of the herein-before recited Acts or this Act, or any of them, shall be paid by them into the Bank of *England* as soon as conveniently may be after the same shall have been received; and all Sums of Money, Bills, and Drafts which shall be received by the said Commissioners on any of the Accounts aforesaid at their Office in *London* shall be paid by them into the Bank of *England* within One Day after the same shall have been so received, or within One Day after any such Bill or Draft shall have been accepted, completed, and perfected, if the same be not accepted, completed, and perfected at the Time it shall be received; and all Monies, Bills, and Drafts which shall be received by the Bank of *England* in pursuance of the Provisions of this Act shall be placed to the said Account intituled "The Woods and Forests Fund," or to such other Account as aforesaid; and the Drafts or Orders of the Commissioners for the Time being of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Two of them, shall be sufficient Authority to the said Bank of *England* to pay, apply, and dispose of the said Monies, Bills, and Drafts to the Person or Persons or in the Manner in such Drafts or Orders respectively mentioned or specified; and after Payment of such Monies, Bills, and Drafts in manner herein-before directed, the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being shall be alone answerable and accountable for the future Application of such Monies, Bills, and Drafts respectively.

XI. And be it further enacted, That the Commissioners for the Time being of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall cause a separate and distinct Account to be kept in the Books of their Office of the Monies received under the Powers and Provisions of this Act, and of the Payment and Application of the same.

A separate Account to be kept of Monies received and paid under this Act.

CAP. XLIV.

An Act to repeal so much of Two Acts of the Seventh and Eighth Years and the Ninth Year of King *George* the Fourth as inflicts the Punishment of Death upon Persons breaking, entering, and stealing in a Dwelling House; also for giving Power to the Judges to add to the Punishment of Transportation for Life in certain Cases of Forgery, and in certain other Cases.

[14th *August* 1833.]

WHEREAS by Two several Acts respectively passed in the Seventh and Eighth Years of the Reign of King *George* the Fourth and in the Ninth Year of the same Reign, the First of the said Acts intituled *An Act for consolidating and amending the Laws in England relative to Larceny and other Offences connected therewith*; and the Second of the said Acts intituled *An Act for consolidating and amending the Laws in Ireland relative to Larceny and other Offences connected therewith*; it is amongst other Things by each of the said Acts enacted, that if any Person shall break and enter any Dwelling House, and steal therein any Chattel, Money, or valuable Security to any Value whatever, every such

7 & 8 G. 4 c. 2.
9 G. 4. c. 55.

So much of recited Acts as inflicts the Punishment of Death for the Felonies herein described repealed.

After the 1st Jan. 1834 Persons convicted of such Felonies to be liable to be transported, and to Imprisonment, with or without hard Labour previous to Transportation.

Persons punishable with Transportation for Life under 2 & 3 W. 4. cc. 62. and 123. liable to be previously imprisoned for Four Years.

‘ such Offender being convicted thereof shall suffer Death as a Felon: And whereas by each of the said Acts it is further enacted, that in the Case of every Felony punishable under the said respective Acts every Principal in the Second Degree and every Accessory before the Fact shall be punishable with Death, or otherwise, in the same Manner as the Principal in the First Degree is by the said respective Acts punishable: And whereas it is expedient that a lesser Punishment than that of Death should be provided for the several Offences herein-before specified;’ be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of each of the said Two recited Acts as inflicts the Punishment of Death on Persons convicted of any of the Felonies herein-before specified shall, from and after the First Day of *January* One thousand eight hundred and thirty-four, be and the same is hereby repealed.

II. And be it further enacted, That from and after the First of *January* One thousand eight hundred and thirty-four every Person who shall be convicted of any of the Felonies herein-before specified, as Principals or Accessories before the Fact, shall be liable to be transported beyond the Seas for Life, or for any Term not less than Seven Years, as the Court before whom any such Person shall be convicted shall adjudge, and, previously to Transportation, shall be liable to be imprisoned, with or without hard Labour, in the Common Gaol or House of Correction, or to be confined in the Penitentiary for any Term not exceeding Four Years, or shall be liable to be imprisoned, with or without hard Labour, in the Common Gaol or House of Correction for any Term not exceeding Four Years nor less than One Year.

III. And be it further enacted, That all Persons punishable by Transportation for Life under an Act passed in the Second and Third Years of the Reign of His present Majesty, relating to the stealing in Dwelling Houses and other Offences, intituled *An Act for abolishing the Punishment of Death in certain Cases, and substituting a lesser Punishment in lieu thereof*, and all Persons punishable by Transportation for Life under an Act passed in the same Years, intituled *An Act for abolishing the Punishment of Death in certain Cases of Forgery*, shall be liable, previously to their being transported, in case the Court before whom such Persons shall be convicted shall think fit, to be imprisoned, with or without hard Labour, in the Common Gaol or House of Correction, or to be confined in the Penitentiary, for any Term not exceeding Four Years nor less than One Year.

CAP. XLV.

An Act to declare valid Marriages solemnized at *Hamburgh* since the Abolition of the *British* Factory there.

[14th August 1833.]

‘ **W**HEREAS the *British* Factory at *Hamburgh* was dissolved, and the Privileges thereof abolished, in the Year One thousand eight hundred and eight: And whereas divers Marriages of Subjects of this Realm resident in *Hamburgh* have since the

Abolition

‘ Abolition of the said Factory and Privileges been solemnized
 ‘ there by the Chaplain appointed by the Lord Bishop of *London*,
 ‘ or some Minister of the Church of *England* officiating instead of
 ‘ such Chaplain, in the *British* Episcopal Chapel, and in private
 ‘ Houses in that City, before Witnesses, according to the Rites of
 ‘ the Church of *England*: And whereas it is expedient that no
 ‘ Doubts should hereafter arise as to the Validity of such Mar-
 ‘ riages:’ May it therefore be declared and enacted; and be it
 declared and enacted by the King’s most Excellent Majesty, by
 and with the Advice and Consent of the Lords Spiritual and
 Temporal, and Commons, in this present Parliament assembled,
 and by the Authority of the same, That all Marriages of Parties
 Subjects or Parties One of them being a Subject of this Realm,
 which have been solemnized at *Hamburgh* since the Abolition of
 the *British* Factory there, by the Chaplain appointed by the Lord
 Bishop of *London*, or by any Ministers of the Church of *England*
 officiating instead of such Chaplain, in the Episcopal Chapel of the
 said City, or in any other Place, before Witnesses, according to
 the Rites of the Church of *England*, shall be good and valid in Law
 to all Intents and Purposes as if the same had been solemnized in
 the *British* Factory at *Hamburgh* before the Abolition thereof.

Marriages le-
 gally solemnized
 at Hamburgh
 since the Abo-
 lition of Factory
 there declared
 valid.

CAP. XLVI.

An Act to enable Burghs in *Scotland* to establish a general
 System of Police. [14th August 1833.]

10/11/82 39

‘ **W**HEREAS it is expedient that Provision should be made to
 ‘ enable the Royal Burghs, and Burghs of Regality and of
 ‘ Barony, in *Scotland*, to establish such a System of Police, and
 ‘ to adopt such Powers of paving, lighting, cleansing, watching,
 ‘ supplying with Water, and improving such Burghs respectively,
 ‘ as may be necessary and expedient, and consistent with the
 ‘ Powers, Authorities, Provisions, and Regulations granted and
 ‘ prescribed by this Act:’ Be it enacted by the King’s most Ex-
 cellent Majesty, by and with the Advice and Consent of the Lords
 Spiritual and Temporal, and Commons, in this present Parliament
 assembled, and by the Authority of the same, That from and after
 the passing of this Act it shall be lawful for any Seven or more
 Householders in any of the said Burghs whose Population shall not
 exceed Three thousand Inhabitants, and for Twenty-one or more
 Householders in any of the said Burghs whose Population shall
 exceed Three thousand Inhabitants, each such Householder occu-
 pying in such Burgh respectively a Dwelling House or other Pre-
 mises of the yearly Value of Ten Pounds or upwards, to apply in
 Writing to the Chief Magistrate of such Burgh, requiring him to
 convene a Meeting of Householders qualified as aforesaid in such
 Burgh, for the Purpose of considering whether the Provisions of
 this Act, or any Part of the same, shall be adopted and carried into
 execution within such Burgh.

Authorizing
 Requisitions for
 Meetings to
 determine whe-
 ther the Provi-
 sions of this Act
 shall be adopted
 in Burghs.

II. And be it enacted, That for the Purposes of this Act the
 Boundaries of such of the said Burghs as send or contribute to
 send Members to Parliament shall be the same as the Boundaries
 which are fixed by an Act passed in the Second and Third Year
 of the Reign of His present Majesty King *William* the Fourth,
 intituled

Boundaries of
 Parliamentary
 Burghs those
 fixed by
 2&3W. 4. c.65.

In other Burghs the established Limits, and a Space not exceeding 1,000 Yards therefrom.

In absence of Chief Magistrate, the next in Seniority may act.

Lists of the Population to be made out.

In case of Disputes touching Returns, &c.

Expences attending the calling such Meetings, &c. how to be borne.

intituled *An Act to amend the Representation of the People in Scotland*; and the Boundaries of all other Royal Burghs, Burghs of Regality and of Barony, shall be such as are established by Charter, Grant, Prescription, Act of Parliament, or otherwise, and within a Distance not exceeding One thousand Yards from the Bounds of such last-mentioned Burghs; and such last-mentioned Burghs, and Limits hereby thereto attached, shall be deemed and taken to be Burghs within the Intent and Meaning of this Act.

III. And be it enacted, That in the Absence of the Chief Magistrate of any Burgh directed or required to act in the Execution of any of the Powers or Provisions of this Act, the next senior Magistrate of such Burgh who shall be present shall officiate in the Place and Stead of such absent Chief Magistrate; and that where a Royal Burgh and a Burgh of Regality or Barony shall be united within the same Bounds of Police, the Chief Magistrate or other Magistrate so directed to preside in such Meetings shall be held to mean a Magistrate of such Royal Burgh.

IV. And be it enacted, That such acting Chief Magistrate shall upon receiving such Application, accompanied, if he shall so require, with a satisfactory Undertaking to pay the Expences after mentioned, appoint and direct a proper Person to make out and furnish, within Fourteen Days thereafter, Lists showing, to the best of his Knowledge and Belief, the Amount of Population residing within such Burgh, and shall also direct the Assessors of the House Tax to furnish him, within the like Period, with a List of the Names of all Occupiers of Premises of the Value aforesaid situated within such Burgh; which List of the Occupiers of Premises as aforesaid, distinguishing the Amount of Rental at which each Person is assessed, the said Assessors are hereby required to make and certify on Payment of a Fee of not more than One Shilling for each One hundred Names, and which List shall be sufficient Proof of the Qualification of Parties; and in case it shall be expedient to obtain such List otherwise than from the Assessor's Book, it shall be competent for such Chief Magistrate to cause accurate Lists to be made up and taken by Persons to be appointed for that Purpose.

V. And be it enacted, That in case of any Dispute arising touching the Correctness of such Population Return, or of any List of Occupiers of Houses or Premises to be made and furnished under the Provisions of this Act, or the Value of the same, or the Boundary of any Burgh not being a Burgh sending or contributing to send a Member or Members to Parliament, the same shall, for the Purposes of this Act, on the Application of either Party, after Six Days Notice given to the other Party, be settled by the Sheriff of the County, whose Determination therein shall be final.

VI. And be it enacted, That if the Provisions of this Act shall be adopted in whole or in part, all the Expences incurred in relation to the calling the first Meetings, making out the Population Returns of Occupiers of Houses, and otherwise in relation to carrying this Act into execution, shall be defrayed out of the Money assessed and levied under the Authority thereof; but in case the Provisions of this Act shall not be adopted by any such Meeting as aforesaid, in whole or in part, then the whole Expences incurred in relation to the calling and holding such Meeting, making out Lists, taking Polls, and all other Expences whatsoever thereto relating,

relating, shall be paid and borne by the Persons signing the Requisition for holding such Meeting; and the Chief Magistrate to whom such Requisition is addressed is hereby authorized to pursue for and recover the same, with Expences of Process.

VII. And be it enacted, That on Receipt of such Application the acting Chief Magistrate of such Burgh shall convene the Occupiers of Premises of the yearly Value aforesaid in the Town Hall or other convenient Place within such Burgh; and the said acting Chief Magistrate shall lay this Act before such Meeting, together with such Certificate, Requisition, and Lists aforesaid, and shall attend and shall preside at such Meeting and at each subsequent Meeting authorized by this Act, and shall appoint a Clerk to act thereat, who shall make regular Minutes of the Proceedings thereof; and such Magistrate shall in case of Equality of Votes, besides his deliberative Vote, have a casting or decisive Vote.

Mode of calling
such Meeting.

VIII. And be it enacted, That such Meeting shall be held on a Day not less than Twenty-one Days or more than Thirty Days after such Magistrate shall have received such Requisition as aforesaid; and Intimation thereof shall be made by affixing such Notice upon the Doors of the Town House and of the several Parish Churches within such Burgh, Fourteen Days preceding the Day of the Meeting, in the Form of the Schedule marked (A.) hereunto annexed, and by Tuck of Drum or other Mode of Intimation usually adopted in such Burgh Two Days in each Week for Two Weeks before such Meeting, or by open Proclamation at the Market Cross of such Burgh, and also by an Advertisement in any Newspaper published in such Burgh, and if no Newspaper be published therein, then in a Newspaper circulating in such Burgh, at least Three clear Days before the Day appointed for such Meeting.

Meetings to be
intimated.

IX. And be it enacted, That at all Meetings and Elections under this Act all Persons occupying Premises in any such Burgh of the Value of not less than Ten Pounds shall be entitled to vote; and Companies or Copartnerships occupying Premises of the Value aforesaid, or of greater Value, so as to afford more than One Qualification of Ten Pounds, shall be entitled to grant Authority in Writing to any One or more of the Partners of such Company or Copartnership to vote, and which Partner or Partners shall have vote accordingly: Provided always, that such Company or Copartnerships shall not so authorize or have right to vote by more than One Partner in respect of each Qualification of Ten Pounds afforded by such Premises.

Qualification of
Voters.

X. And be it enacted, That such Meeting shall proceed to consider and determine whether the Provisions of this Act, or any of them, shall be adopted and carried into execution within such Burgh, or shall appoint a Committee of their own Number, not exceeding Nine, to inquire and report to some future Meeting to be held on such Day as shall be appointed; and such future Meeting shall, upon the Report of such Committee, proceed in all respects in the Manner herein directed for such Meeting.

Power of
Meeting to
adopt this Act,
or to decline to
adopt it.

XI. And be it enacted, That the Preses of all Meetings shall ascertain the Determination thereof by a Show of Hands, or in such other Manner as shall appear to him expedient, and shall declare the same; which Declaration shall be final and conclusive,

Preses to declare
the Determin-
ation of the
Meeting.

unless

unless the same shall not be unanimous, and a Poll shall be demanded in Writing, within Twenty-four Hours thereafter, by any Five Persons present, and qualified to vote at such Meeting.

Preses to direct
a Poll.

XII. And be it enacted, That when such Poll shall be demanded as aforesaid, such Magistrate shall direct the same to be proceeded in within such Period as he shall determine, not exceeding Two clear Days from the Day of the Date of such Demand in Writing, exclusive of *Saturdays* and *Sundays*, and the polling shall commence at the Places intimated at Nine of the Clock of the Forenoon of the Day that shall be named.

Poll not to be-
gin on a Satur-
day, or be open
more than Two
Days.

XIII. And be it enacted, That no Poll by this Act authorized to be taken shall be directed to begin on a *Saturday*, or shall be kept open for more than Two consecutive Days, and that only between the Hours of Nine in the Morning and Four in the Afternoon for the First Day, and between the Hours of Eight in the Morning and Four in the Afternoon for the Second Day.

Poll Books to
be provided.

XIV. And be it enacted, That the Chief Magistrate of such Burgh shall direct the necessary Number of Clerks to be appointed, and of Poll Books to be prepared in the Form of Schedule (B.) hereunto annexed, in which the Names of every Person qualified and requiring to vote, together with his Designation and the Manner in which he shall vote, shall be entered.

Poll may close
earlier.

XV. And be it enacted, That the Poll shall sooner close, provided all Persons duly qualified and desirous to vote shall have voted, or at any Time after the Lapse of an Hour without any qualified Person offering to vote.

State of Poll to
be ascertained
and declared.

XVI. And be it enacted, That as soon after the Close of the Poll as may be, the Poll Clerks shall transmit to such Magistrate the State of the respective Polls, who shall sum up the same, and openly declare the Result of the total Poll at an adjourned Meeting to be held on the next lawful Day.

Majority neces-
sary to adopt
this Act.

XVII. And be it enacted, That no Resolution to adopt the Provisions of this Act, in whole or in part, shall be effectual, unless it shall be carried by at least Three Fourths of the Number of Persons voting and qualified as aforesaid.

If part adopted,
to be so set forth
in Minutes.

XVIII. And be it enacted, That if such Resolution shall be to adopt the Act only in part, the Clauses so adopted shall be set forth and declared in the Minutes of such Meeting.

If not adopted,
Proposal may
be re-considered
after Two
Years.

XIX. And be it enacted, That where such Burgh shall have resolved not to adopt the Provisions of this Act, or shall have adopted them only in part, the Inhabitants thereof, qualified as aforesaid, may, after the Expiration of Two Years from the Date of any preceding Meeting, but not sooner, by such and the like Proceedings, again take this Act into consideration, and adopt the same in whole or in part, or such Part thereof as may not have been formerly adopted, or determine not to adopt the same.

Further Pro-
ceedings after
Act adopted.

XX. And be it enacted, That where, by such Proceedings, this Act shall be so adopted in such Burgh, in whole or in part, such Resolution so to adopt shall not be subject to any further Question; and the Inhabitants thereof, qualified as aforesaid, present at the Meeting adopting the same unanimously, or at some adjourned Meeting as aforesaid, shall then and there proceed to determine by a Majority of Votes, and shall set forth in their Minutes, the Limits beyond the Boundary of such Burghs, not included in the said

said recited Act, to which the Provisions of this Act shall extend, and not exceeding the Distance of One thousand Yards as aforesaid, and also shall determine whether such Burgh shall be divided into Wards, and in that Case shall set forth and describe the Bounds and Limits of such Wards, and shall specify the Number of Commissioners, to be elected by the Inhabitants, to carry this Act into operation, and shall also fix the maximum Rate of Assessment (which shall in no Case exceed One Shilling and Sixpence in the Pound of the Rent of Premises, to be assessed in manner after mentioned,) to be levied for the Purposes of this Act for the Three succeeding Years, and shall set forth and specify the Proportion of such Assessment which shall be made applicable to each of the several Purposes of this Act.

XXI. And be it enacted, That the Commissioners to be elected as herein-after provided shall not be, in any Case, fewer than Five or more than Twenty-one, including the Chief Magistrate of the Burgh, who shall be Commissioner *ex officio*, and shall, when present, preside at all Meetings of the Commissioners; and the said Commissioners, together with a further Number of Commissioners chosen by the Magistrates and Town Council of such Burgh from among themselves, amounting as near as may be to One Fifth Part of such elected Commissioners, shall be the Commissioners for carrying this Act into operation.

Number of
Commissioners.

XXII. Provided always, That where such Burgh shall be divided into Wards, the Number thereof, and the Number of Commissioners to be elected in manner herein-after provided, shall be so settled and adjusted that there shall be One such Commissioner for each such Ward.

If Burgh divid-
ed into Wards.

XXIII. And be it enacted, That it shall be lawful and competent for the Inhabitants of the said Burgh, qualified as aforesaid, at a Meeting or adjourned Meeting, called as aforesaid, to alter, vary, add to, or diminish such Wards or any of them in such Manner as the State of the Population thereof or other Circumstances shall to them appear from Time to Time to require; and in the Event of any Addition being made to the Number of Wards by the Subdivision thereof or otherwise, Commissioners shall be chosen for such additional Wards in manner and for the Purposes herein mentioned, but so as that the Number of Wards shall in no Case exceed Twenty.

Regulations as
to Alteration of
Wards.

XXIV. And be it enacted, That where, by reason of Contiguity of any Two or more Burghs, it shall be desirable and expedient for such contiguous Burghs jointly to adopt the Provisions of this Act, it shall and may be lawful for such Burghs intending so to unite, as if such Burghs were One Burgh, and to follow forth such and the like Measures and Forms in all respects in which the same can be observed, for adopting the Provisions of this Act, as are directed and prescribed for One Burgh intending to adopt the same; and such united Burghs shall, in respect of Division into Wards, Election of Commissioners, Assessments for the Expence of carrying this Act into execution, and every other Power, Particular, Matter, or Thing granted, provided, or prescribed in relation to single Burghs adopting this Act, be and be taken to be as One Burgh; and the Chief Magistrate of each such Burgh shall, *ex officio*, be a Commissioner for such District of Burghs

Contiguous
Burghs may
unite, and adopt
the Act as One
Burgh.

under

under this Act; and the Magistrates and Council of each such Burgh shall, in addition to the Chief Magistrate hereby appointed an *ex officio* Commissioner, elect One or more Members from among their own Body to be Commissioners, so as that the Number so elected shall, with such Chief Magistrate, make as nearly as may be One Fifth of the elected Commissioners of such United Burghs; and if the Number of Commissioners to be elected by the Magistrates and Council does not admit of each Burgh electing One Commissioner, or of each Burgh electing an equal Number, such Burghs, where all cannot elect, shall elect successively, and according to a Rotation to be established by such Burghs, and in like Manner where each Burgh cannot elect an equal Number, the Right of electing the greater Number shall be enjoyed in succession, according to such Rotation; and the Chief Magistrate of each such united Burghs shall respectively and successively, annually, be the Preses of the Commissioners of such united Burghs, according to such Rotation, and the Preses of all public Meetings to be held thereafter; and in case of any Difference as to such Rotation, Election, or Right of Election, it shall be competent to either Party to apply to the Sheriff of the County in which such Burghs are situated to determine the same, Six Days previous Notice being given to the other Party of such Application; and the Determination of the Sheriff thereon shall be final and conclusive: Provided always, that nothing herein contained shall affect or be construed to affect the Rights, Powers, Privileges, or Jurisdictions of any Magistrates and Council within their own Burghs.

Proceedings to
be reported to
to the Sheriff.

XXV. And be it enacted, That the Resolutions and whole Proceedings of such Meetings shall be reported to the Sheriff of the County within which such Burgh shall be situated by the Transmission to him of the Minutes of such Meetings and all Documents laid before the same, which Transmission the acting Chief Magistrate as aforesaid is hereby required to make within Forty-eight Hours after the Close of the Proceedings aforesaid; and the said Sheriff shall, within Forty-eight Hours after the Receipt thereof, affix a Deliverance thereon, finding and declaring, as the Case may be, either that this Act has not been adopted, or that the Powers and Provisions thereof (in so far as such Minutes shall show this to have been the Case) have been adopted, and that this Act shall apply to such Burgh in manner therein set forth, and shall forthwith cause such Minutes to be recorded in the Sheriff Court Books of the County, and in the Books of the Burgh to which they specially apply, and in the Books of the Commissioners of Police, herein-after appointed to be kept, where such shall be the Case.

Meeting for
Election of
Commissioners
to be convened.

XXVI. And be it enacted, That on Receipt of such Deliverance, such Magistrate aforesaid shall convene a Meeting of Occupiers of Houses and Premises of such Burgh, qualified as aforesaid, and if the Burghs shall be divided into Wards, at some convenient Place in their respective Wards, to be specified in the Notice to be given of such Meeting, for the Election of Commissioners for the Purpose of executing this Act, all which Meetings shall be summoned in the same Way and Manner and at the same Distance of Time as is provided for the First Meeting to be held in virtue of this Act; and in all such Burghs as shall be divided into Wards in manner herein provided, the Ward Meetings shall elect their own

Preses;

Preses; and the Commissioners (except the Chief Magistrate of the Burgh, and the Commissioners to be elected by the Magistrates and Town Council of such Burghs,) shall be elected by such Meeting or by such Wards.

XXVII. And be it enacted, That such Elections shall be proceeded with in manner following; (that is to say,) each Candidate who shall be qualified to vote as aforesaid, and residing within such Burgh, shall be eligible to be elected a Commissioner for the Purposes of this Act, and shall be proposed at the said Meeting by some Person duly qualified to vote thereat, and shall be seconded by some other Person in like Manner qualified; and the Preses of the Meeting shall ascertain and declare the Resolution thereof in manner aforesaid; and if such Election shall not be unanimous, and if a Poll shall be demanded in Writing, in the Manner and within the Time before provided, at such or any other Meeting for the Purposes of Election under this Act, such Chief Magistrate or such Preses of such Meeting shall open and proceed with such Poll in the Manner herein provided; and the said Chief Magistrate or Preses of Wards respectively shall for that Purpose appoint a Clerk, and shall provide a Book in the Form of Schedule (C.) hereto annexed, in which the Votes shall be entered, and shall declare the Result of such Poll; and the said Chief Magistrate or Preses shall be reimbursed all such reasonable Charges or Expences as may be incurred in providing Clerks and Books, and otherwise in the Performance of the Duties hereby required of them, out of the Rates and Duties to be collected in virtue of this Act.

Election of Commissioners.

XXVIII. And be it enacted, That the Magistrates and Council of such Burgh shall, on or before the Day fixed for such Election, nominate and appoint the Commissioner or Commissioners, as the Case may be, who is or are to be elected by them under the Provisions of this Act; and the acting Chief Magistrate shall report such Nomination and Appointment to the First Meeting of Commissioners, to be held in manner herein-after provided.

Magistrates and Council to elect Commissioners to be appointed by them.

XXIX. And be it enacted, That the whole Commissioners shall, at Twelve of the Clock Noon on the first *Monday* after such Election, hold their First General Meeting in the Town Hall or other convenient Place within such Burgh, with Power to adjourn to such other Place as they may think fit.

First Meeting of Commissioners.

XXX. And be it enacted, That One Third, or as nearly as may be One Third, of such elected Commissioners of each such Burgh as aforesaid, who shall be the highest on the List of such Commissioners, to be arranged alphabetically according to their Surnames, and the One of the Commissioners elected by such Magistrate as aforesaid who shall be the highest of such last-mentioned Commissioners on the List, to be also arranged alphabetically, shall go annually out of Office, *videlicet*, on the same Day at the Expiration of a Year on which they were elected into Office, or on the next lawful Day thereafter; and on the same or the next lawful Day, annually, the Places of such Commissioners going out of Office shall be supplied by an equal Number of new Commissioners to be chosen, *videlicet*, the Third Part of such elected Commissioners, or as nearly as may be the Third Part,

Commissioners to be elected annually.

from among the Candidates qualified as aforesaid, by the Electors of the Burgh, or by the several Wards where such Burgh shall be divided into Wards, and the Commissioners to be elected from among the Magistrates and Town Council of such Burghs, by the Magistrates and Town Council of the Burghs as aforesaid, under all the Rules, Regulations, and Provisions applicable to such First Meeting and Election; and the like Notice of such annual Meeting shall be given as is herein-before directed to be given of such First Meeting for electing Commissioners; and the Persons so elected shall be placed at the Foot of the List of Commissioners.

Notice for, and
the Proceedings
at, Triennial
Meetings.

XXXI. And be it enacted, That there shall be held in each such Burgh adopting the Provisions of this Act, at the Expiration of the Third Year after the First Meeting held to determine the maximum Assessment, and at the Expiration of every Third Year thereafter, a Meeting of the Inhabitants thereof, qualified as aforesaid, in order to determine the Amount of the maximum Assessment for the Three Years next succeeding, and the Clerks to the said Commissioners shall give Notice thereof in the same Manner as by this Act the Chief Magistrate is required to give Notice with respect to the First Meeting to be held under this Act, that a Meeting will be holden on such Day for fixing the maximum Amount of the Assessment for the Three Years next succeeding; and previous to such Meeting the said Commissioners shall furnish to the acting Chief Magistrate of the Burgh a List of the Names of the Occupiers of Premises, qualified as aforesaid, which List shall be sufficient Evidence and Proof of the Qualifications of the Parties to vote at such Meeting: Provided always, that in default of giving due Notice of such Meeting in manner above provided, the Clerk to the said Commissioners shall forfeit and pay to the said Commissioners a Penalty of One hundred Pounds.

Procedure at
subsequent
Meetings as to
Assessment.

XXXII. And be it enacted, That the Person presiding shall at such Triennial Meetings proceed in the same Manner as at the First Meeting to be held under this Act in regard to the Ascertainment of the Sum agreed to be assessed: Provided always, that the Rate of Assessment shall not be diminished so long as any Money borrowed on the Security of such Assessment shall remain unpaid, and that the Rate of Assessment for any Three succeeding Years shall not be less than Two Thirds of the Rate agreed to at the last preceding Triennial Meeting held under the Provisions of this Act; and that if a larger Sum shall not be agreed to, the Commissioners shall have Power to levy such Two Thirds of the original Assessment, without any farther Authority.

Outgoing Com-
missioners may
be re-elected.

XXXIII. And be it enacted, That any of such outgoing Commissioners may be re-elected: Provided always, that no Person shall be eligible as a Commissioner, or entitled to vote at such Election, who shall have been relieved from the Assessment made on him for the Purposes of this Act for the Year immediately preceding on the Ground of Inability to pay the said Assessment, or by whom any Arrear of any Assessment due under this Act shall at the Time of the Election have been owing for the Space of a Month, and shall since it became due have been demanded, whether such Arrear shall be due by himself or by any Company or Copartnership by which he is authorized to vote; and a Certificate under the Hand
of

of the Collector shall be deemed and taken to be a sufficient Evidence of such Arrears or Relief.

XXXIV. And be it enacted, That in case the Place of any of the Commissioners elected as aforesaid shall become vacant by Death, Refusal to act, Disqualification, or Resignation, then and in such Cases it shall be lawful for the remaining Commissioners to nominate Persons duly qualified to supply such Vacancies; and the Person so nominated shall have and enjoy the same Powers and Privileges as the Person in whose Stead he is nominated, and shall remain in Office until the Period at which the Person in whose Stead he is nominated would have gone out by Rotation; and if the Electors shall refuse or neglect to meet, or if at such Meeting the Electors shall refuse or neglect to elect the Whole or any Part of the Number of Commissioners originally fixed and agreed to, it shall be lawful for the Commissioners who held Office immediately before the Time specified for such Election to supply the Deficiency.

Vacancies how
to be supplied.

Electors re-
fusing or neg-
lecting to elect.

XXXV. And be it enacted, That instead of electing Commissioners it shall be competent and lawful to the Inhabitants duly qualified as aforesaid to determine by a Majority of Three Fourths of the Votes of the Persons assembled as aforesaid at any Meeting called for such Purpose, that the Magistrates and Town Council of such Burgh for the Time being shall carry this Act, or such Part thereof as shall have been adopted, into execution; and such Magistrates and Town Council then shall have the same Rights, Powers, and Authorities, and be subject to the like Rules, Liabilities, and Regulations, as are hereby conferred or imposed upon the Commissioners herein-before authorized and directed to be elected, as far as the same are applicable and capable of taking effect, according to the true Intent and Meaning of this Act.

Magistrates and
Town Council
may be elected
Commissioners.

XXXVI. And be it enacted, That none of the Commissioners for the Purposes of this Act shall, directly or indirectly, derive any Emolument or Profit for any Business or Work of any Description performed or to be performed by him under this Act; nor shall any Commissioner be capable of acting as such during the Time he shall enjoy any Office of Profit to be created or established by virtue of this Act, or while he has any Share or Interest in any Contract relating to the Execution thereof; nor shall any such Commissioner be capable of standing as a Candidate for any such Office, or be a Competitor for any such Contract, save and except Contracts entered into with any Chartered or Joint Stock Company of which such Commissioner may be a Partner.

Commissioners
not to hold
Places of Profit.

XXXVII. And be it enacted, That the whole Commissioners shall be cited to attend all Meetings, both special and statutory, (save only the First Meetings under this Act,) such Citation being given personally, or at their Dwelling Houses or Shops, by written or printed Summonses issued by their Clerk, at least Twenty-four Hours before the Time of meeting; and in the Absence of the said acting Chief Magistrate such one of the said Commissioners as shall be chosen by the Meeting shall preside in all Meetings of the said Commissioners; and the Preses of all Meetings of the Commissioners shall have both a deliberative and in case of Equality a casting Vote in all Matters which shall come before them:

Commissioners
to be summoned
to attend Meet-
ings.

Provided

Quorum.

Provided always, that One Third of the said Commissioners must be present at all Meetings to constitute a Quorum.

Statutory Meetings of Commissioners.

XXXVIII. And be it enacted, That Meetings of the said Commissioners shall be held, in such Places as they shall appoint within such Burgh, upon the Second *Monday* of the Months of *May*, *August*, *November*, and *February* in each Year, at Twelve of the Clock Noon.

Special Meetings may be called on Requisition.

XXXIX. And be it enacted, That the Clerk to the said Commissioners, on Requisition being made, stating the Object of the intended Meeting in Writing, and signed by Two of the said Commissioners, shall cause Special Meetings to be called within Forty-eight Hours, and to be held within Four Days after such Requisition, and shall cause the whole Commissioners to be summoned to attend such Meetings by printed or written Summonses containing a Copy of such Requisition.

Special Meetings not to annul Rules made at Statutory Meetings.

XL. And be it enacted, That no Rules or Regulations shall be adopted or carried into execution by any Special Meeting which shall tend to alter or annul any Rules or Regulations which may have been made and framed at any of the Four Meetings hereby appointed to be held annually.

Meetings may be adjourned.

XLI. And be it enacted, That the said Commissioners may adjourn to any other Day, Hour, and Place within the Bounds before described.

Commissioners to defray their own Expences.

XLII. And be it enacted, That at all and each of the Meetings to be held in virtue of this Act the Commissioners present shall defray their own Expences.

Power to appoint Committees.

XLIII. And be it enacted, That the said Commissioners shall have Power to form Committees of their Number, either with Directions to report to the Commissioners, or for carrying the various Purposes of this Act into execution, and to delegate to such Committees the Powers competent to the said Commissioners under this Act, in whole or in part, with regard to the Subject which may be remitted, to name the Convener, and to fix the Numbers of such Committees who shall form a Quorum; and the Convener, who shall preside at such Committee, shall be entitled to a casting Vote in case of Equality, and to convene the Members by Notices in the Way he shall think most convenient.

Powers and Duties of Commissioners.

XLIV. And be it enacted, That the said Commissioners shall, in such Manner as to them shall seem best for the Purposes of this Act, estimate, assess, levy, and apply the Sums of Money hereby authorized to be raised for the Purposes of this Act, and shall have Power at such Times as they shall appoint, and from Time to Time, to order and direct Lists to be taken of the Inhabitants of such Burgh, and of the Value of Premises situate therein, and shall for such Purposes appoint, at such Salaries as they shall judge meet, Collectors, Clerks, Surveyors, Officers of Police, Watchmen, and all other Persons to be employed in the Execution of this Act, and to remove them at Pleasure, and to fix the Number and Description of Officers to be employed, and the Wages to be paid to them respectively, and to increase or diminish their Numbers from Time to Time, as they shall see Cause, and to make Orders and Regulations for their Government; and the said Commissioners shall have Power also, with the Consent of the Proprietors, to purchase such

Landls

Lands and Premises as shall be required for the Purposes of this Act, and shall also have full Power and Authority to make all necessary Rules, Orders, and Regulations relative to the watching, lighting with Gas or otherwise, paving and cleansing the Streets, Roads, Lanes, Passages, or public Ways or Places within any such Burgh, or to the Supply and Distribution of Water and Gas to the same, in so far as the Powers of this Act may apply to these Objects in any Burgh, and generally for the due and effectual Enforcement thereof, for the Prevention of infectious Diseases, and putting down and removing such Nuisances as may affect the Health of the Inhabitants, and for carrying fully into effect all the Objects and Purposes and Provisions of this Act, and shall enact Penalties for enforcing the same, not exceeding in any Case the Sum of Twenty Shillings Sterling, and execute the whole other Matters specified in this Act and committed to their Charge: Provided always, that the Rules and Regulations so to be made shall not be contrary to the Law of *Scotland*, or to any thing in this Act contained.

XLV. And be it enacted, That the said Commissioners, or any Committee of their Body thereunto especially empowered, are hereby authorized to contract with any Person for carrying into execution any of the Operations herein authorized; and such Contract shall be signed by the Preses and Clerk in Name of the Meeting at which the said Agreement or Contract shall be made.

Commissioners
may contract
for Execution
of Works.

XLVI. And be it enacted, That the Monies arising from the Assessment hereby authorized to be levied, and all other Property acquired by the said Commissioners in pursuance of the Powers hereby granted, shall be and the same are hereby vested in the said Commissioners and their Successors, for the Uses and Purposes mentioned in this Act, and to no other Purpose whatever.

Property vested
in Commis-
sioners.

XLVII. And be it enacted, That the Commissioners shall at their First Meeting appoint a Clerk for keeping the Books and Records of the Commissioners and their Committees; which Book or Records, being signed by the Preses of each respective Meeting, or any Copy or Extract therefrom authenticated by the Signature of the Clerk, shall be received as Evidence, in all Courts whatsoever, in any Case or Matter concerning this Act, and shall be open to the Inspection of any Person interested therein, without Payment of any Fee or Reward; and the Clerk shall, when required, give certified Copies or Extracts therefrom to all Persons requiring the same; upon Payment of such reasonable Sum as shall be fixed by the said Commissioners, not exceeding One Shilling for every Three hundred Words.

Clerk to be
appointed.

XLVIII. And be it enacted, That no Person who may be appointed the Clerk in the Execution of this Act, or the Partner of any such Clerk, or any Person in the Employ of such Clerk or of his Partner, shall act as Agent or Solicitor in the Trial of any Offence committed within the Limits foresaid; and in the Event of a Contravention of such Provision, such Clerk shall be thenceforth disqualified from holding any Office whatever under this Act, and from acting as a Commissioner under this Act.

Clerk not to be
concerned in
any Prosecu-
tion.

XLIX. And be it further enacted, That it shall not be lawful for the said Commissioners to appoint any Person who may be appointed their Clerk in the Execution of this Act, or the Partner

Clerk and Treas-
urer not to be
same Person.

of such Clerk, or the Clerk or other Person in the Service or Employ of such Clerk or of his Partner, to be the Treasurer for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer, or the Partner of such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, to be the Clerk to the said Commissioners for the Purposes of this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of such Clerk, or the Clerk or other Person in the Service or Employ of such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Treasurer, or the Partner of such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any Treasurer shall hold any Place of Profit or Trust under the said Commissioners other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Expences, in the same Manner as any of the Penalties by this Act imposed may be sued for and recovered.

Incapacitated
Persons author-
ized to sell.

L. And be it enacted, That it shall and may be lawful for all Corporations, Trustees, Heirs of Entail, Tutors or Curators for Infants, Minors, furious or fatuous Persons, and married Women, and to and for every other Person or Persons whomsoever, though under any legal Disability or Incapacity of any kind whatever, who are or shall be seised or possessed of or interested in any Lands or other Heritages, whether held in Fee Simple or under Entail, which may be necessary for the Purposes of this Act, to contract and agree for, sell, and convey to the said Commissioners all or any of such Lands or other Heritages, or any Part thereof, for the Purposes of this Act; and all such Contracts, Agreements, Sales, and Conveyances shall be valid and effectual in Law to all Intents and Purposes, any Law, Statute, Usage, or any Matter or Thing to the contrary notwithstanding; and all and every such Corporation, Trustee, Heir of Entail, Tutor or Curator, married Woman, and other Person is, are, and shall be hereby indemnified for what they shall do by virtue and in pursuance of this Act.

Application of
Compensation
Money amount-
ing to 900*l*.

LI. And be it enacted, That if any Monies shall be agreed to be paid for any Lands or Heritages purchased, taken, or used for the Purposes of this Act, which shall belong to any Corporation, married Woman, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, or as a Recompence for Damages caused thereby, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company, or Commercial Bank of *Scotland*, or National Bank of *Scotland*, and without Fee or Reward; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the Court of Session, to be signified by an Order made upon a Petition to be preferred in a summary

Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands or Heritages, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands or Heritages, or affecting other Lands or Heritages standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands or Heritages, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands or Heritages which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchases shall be made, the Interest or annual Produce of such Money shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands and Heritages so hereby directed to be purchased, in case such Purchase or Settlement were made.

LII. And be it enacted, That if any Money so agreed to be paid for any Lands or Heritages purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall (at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands or Heritages so purchased, taken, or used, or of his, her, or their Guardian or Guardians in case of Infancy or Lunacy, to be signified in Writing under their respective Hands,) be paid into one of the said Banks, and shall be ordered to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Commissioners, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money and the Interest arising thereon may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court.

Application
when less than
200*l.* and not
less than 20*l.*

LIII. And be it enacted, That where such Money so agreed or awarded to be paid as last before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person who would for the Time being have been entitled to the Rents and Profits of the Lands or Heritages so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Application
where less than
20*l.*

Quorum.

Provided always, that One Third of the said Commissioners must be present at all Meetings to constitute a Quorum.

Statutory Meetings of Commissioners.

XXXVIII. And be it enacted, That Meetings of the said Commissioners shall be held, in such Places as they shall appoint within such Burgh, upon the Second *Monday* of the Months of *May*, *August*, *November*, and *February* in each Year, at Twelve of the Clock Noon.

Special Meetings may be called on Requisition.

XXXIX. And be it enacted, That the Clerk to the said Commissioners, on Requisition being made, stating the Object of the intended Meeting in Writing, and signed by Two of the said Commissioners, shall cause Special Meetings to be called within Forty-eight Hours, and to be held within Four Days after such Requisition, and shall cause the whole Commissioners to be summoned to attend such Meetings by printed or written Summonses containing a Copy of such Requisition.

Special Meetings not to annul Rules made at Statutory Meetings.

XL. And be it enacted, That no Rules or Regulations shall be adopted or carried into execution by any Special Meeting which shall tend to alter or annul any Rules or Regulations which may have been made and framed at any of the Four Meetings hereby appointed to be held annually.

Meetings may be adjourned.

XLI. And be it enacted, That the said Commissioners may adjourn to any other Day, Hour, and Place within the Bounds before described.

Commissioners to defray their own Expenses.

XLII. And be it enacted, That at all and each of the Meetings to be held in virtue of this Act the Commissioners present shall defray their own Expenses.

Power to appoint Committees.

XLIII. And be it enacted, That the said Commissioners shall have Power to form Committees of their Number, either with Directions to report to the Commissioners, or for carrying the various Purposes of this Act into execution, and to delegate to such Committees the Powers competent to the said Commissioners under this Act, in whole or in part, with regard to the Subject which may be remitted, to name the Convener, and to fix the Numbers of such Committees who shall form a Quorum; and the Convener, who shall preside at such Committee, shall be entitled to a casting Vote in case of Equality, and to convene the Members by Notices in the Way he shall think most convenient.

Powers and Duties of Commissioners.

XLIV. And be it enacted, That the said Commissioners shall, in such Manner as to them shall seem best for the Purposes of this Act, estimate, assess, levy, and apply the Sums of Money hereby authorized to be raised for the Purposes of this Act, and shall have Power at such Times as they shall appoint, and from Time to Time, to order and direct Lists to be taken of the Inhabitants of such Burgh, and of the Value of Premises situate therein, and shall for such Purposes appoint, at such Salaries as they shall judge meet, Collectors, Clerks, Surveyors, Officers of Police, Watchmen, and all other Persons to be employed in the Execution of this Act, and to remove them at Pleasure, and to fix the Number and Description of Officers to be employed, and the Wages to be paid to them respectively, and to increase or diminish their Numbers from Time to Time, as they shall see Cause, and to make Orders and Regulations for their Government; and the said Commissioners shall have Power also, with the Consent of the Proprietors, to purchase such
Lands

Lands and Premises as shall be required for the Purposes of this Act, and shall also have full Power and Authority to make all necessary Rules, Orders, and Regulations relative to the watching, lighting with Gas or otherwise, paving and cleansing the Streets, Roads, Lanes, Passages, or public Ways or Places within any such Burgh, or to the Supply and Distribution of Water and Gas to the same, in so far as the Powers of this Act may apply to these Objects in any Burgh, and generally for the due and effectual Enforcement thereof, for the Prevention of infectious Diseases, and putting down and removing such Nuisances as may affect the Health of the Inhabitants, and for carrying fully into effect all the Objects and Purposes and Provisions of this Act, and shall enact Penalties for enforcing the same, not exceeding in any Case the Sum of Twenty Shillings Sterling, and execute the whole other Matters specified in this Act and committed to their Charge: Provided always, that the Rules and Regulations so to be made shall not be contrary to the Law of *Scotland*, or to any thing in this Act contained.

XLV. And be it enacted, That the said Commissioners, or any Committee of their Body thereunto especially empowered, are hereby authorized to contract with any Person for carrying into execution any of the Operations herein authorized; and such Contract shall be signed by the Preses and Clerk in Name of the Meeting at which the said Agreement or Contract shall be made.

Commissioners
may contract
for Execution
of Works.

XLVI. And be it enacted, That the Monies arising from the Assessment hereby authorized to be levied, and all other Property acquired by the said Commissioners in pursuance of the Powers hereby granted, shall be and the same are hereby vested in the said Commissioners and their Successors, for the Uses and Purposes mentioned in this Act, and to no other Purpose whatever.

Property vested
in Commis-
sioners.

XLVII. And be it enacted, That the Commissioners shall at their First Meeting appoint a Clerk for keeping the Books and Records of the Commissioners and their Committees; which Book or Records, being signed by the Preses of each respective Meeting, or any Copy or Extract therefrom authenticated by the Signature of the Clerk, shall be received as Evidence, in all Courts whatsoever, in any Case or Matter concerning this Act, and shall be open to the Inspection of any Person interested therein, without Payment of any Fee or Reward; and the Clerk shall, when required, give certified Copies or Extracts therefrom to all Persons requiring the same; upon Payment of such reasonable Sum as shall be fixed by the said Commissioners, not exceeding One Shilling for every Three hundred Words.

Clerk to be
appointed.

XLVIII. And be it enacted, That no Person who may be appointed the Clerk in the Execution of this Act, or the Partner of any such Clerk, or any Person in the Employ of such Clerk or of his Partner, shall act as Agent or Solicitor in the Trial of any Offence committed within the Limits foresaid; and in the Event of a Contravention of such Provision, such Clerk shall be thenceforth disqualified from holding any Office whatever under this Act, and from acting as a Commissioner under this Act.

Clerk not to be
concerned in
any Prosecu-
tion.

XLIX. And be it further enacted, That it shall not be lawful for the said Commissioners to appoint any Person who may be appointed their Clerk in the Execution of this Act, or the Partner

Clerk and Treas-
urer not to be
same Person.

of such Clerk, or the Clerk or other Person in the Service or Employ of such Clerk or of his Partner, to be the Treasurer for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer, or the Partner of such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, to be the Clerk to the said Commissioners for the Purposes of this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of such Clerk, or the Clerk or other Person in the Service or Employ of such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Treasurer, or the Partner of such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any Treasurer shall hold any Place of Profit or Trust under the said Commissioners other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Expences, in the same Manner as any of the Penalties by this Act imposed may be sued for and recovered.

Incapacitated
Persons autho-
rized to sell.

L. And be it enacted, That it shall and may be lawful for all Corporations, Trustees, Heirs of Entail, Tutors or Curators for Infants, Minors, furious or fatuous Persons, and married Women, and to and for every other Person or Persons whomsoever, though under any legal Disability or Incapacity of any kind whatever, who are or shall be seised or possessed of or interested in any Lands or other Heritages, whether held in Fee Simple or under Entail, which may be necessary for the Purposes of this Act, to contract and agree for, sell, and convey to the said Commissioners all or any of such Lands or other Heritages, or any Part thereof, for the Purposes of this Act; and all such Contracts, Agreements, Sales, and Conveyances shall be valid and effectual in Law to all Intents and Purposes, any Law, Statute, Usage, or any Matter or Thing to the contrary notwithstanding; and all and every such Corporation, Trustee, Heir of Entail, Tutor or Curator, married Woman, and other Person is, are, and shall be hereby indemnified for what they shall do by virtue and in pursuance of this Act.

Application of
Compensation
Money amount-
ing to 200*l*.

LI. And be it enacted, That if any Monies shall be agreed to be paid for any Lands or Heritages purchased, taken, or used for the Purposes of this Act, which shall belong to any Corporation, married Woman, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, or as a Recompence for Damages caused thereby, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company, or Commercial Bank of *Scotland*, or National Bank of *Scotland*, and without Fee or Reward; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the Court of Session, to be signified by an Order made upon a Petition to be preferred in a summary

Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands or Heritages, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands or Heritages, or affecting other Lands or Heritages standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands or Heritages, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands or Heritages which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchases shall be made, the Interest or annual Produce of such Money shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands and Heritages so hereby directed to be purchased, in case such Purchase or Settlement were made.

LII. And be it enacted, That if any Money so agreed to be paid for any Lands or Heritages purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall (at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands or Heritages so purchased, taken, or used, or of his, her, or their Guardian or Guardians in case of Infancy or Lunacy, to be signified in Writing under their respective Hands,) be paid into one of the said Banks, and shall be ordered to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Commissioners, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money and the Interest arising thereon may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court.

Application
when less than
200*l.* and not
less than 20*l.*

LIII. And be it enacted, That where such Money so agreed or awarded to be paid as last before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person who would for the Time being have been entitled to the Rents and Profits of the Lands or Heritages so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Application
where less than
20*l.*

In case of not making out Titles, the Court may order Payments and Expences.

LIV. And be it enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be payable as aforesaid shall refuse to accept the same, or shall not be able to make good a Title to the Premises, to the Satisfaction of the said Commissioners, or in case the Person or Persons to whom any such Sum or Sums of Money shall be so payable as aforesaid cannot be found, or if the Person or Persons entitled to such Lands or Heritages be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Commissioners, or any Two or more of them, to pay the Sum and Sums of Money so payable as aforesaid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company, or Commercial Bank of *Scotland*, or National Bank of *Scotland* respectively, as the Case may be, to the Credit of the Parties interested in the said Lands or Heritages, describing them if they are known, and if they are not known, then generally to the Credit of the Parties interested in the said Lands or Heritages, without any Description of them, subject to the Order, Control, and Disposition of the said Court of Session; which said Court, or either of the Divisions thereof, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Petition, shall be and are hereby empowered, in a summary Way of proceeding, or otherwise, as to the said Court shall seem meet, to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company, or Commercial Bank of *Scotland*, or National Bank of *Scotland* respectively, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for the same, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into such Bank or Banks as aforesaid.

Where Questions arise touching the Title to any Money.

LV. And be it enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into any such Bank as aforesaid, in pursuance of this Act, for the Purchase of any Lands or Heritages, or of any Estate, Right, or Interest in any Lands or Heritages to be purchased in pursuance thereof, or to any Interest of such Money, the Person or Persons who shall have been in possession of the Lands or Heritages at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands or Heritages according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Session; and the Interest of such Money, and also the Principal Sums, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful one, and that some other Person or Persons was or were lawfully entitled to such Lands or Heritages, or to some Estate or Interest therein.

Court may order Payment of Expences in certain Cases.

LVI. And be it enacted, That where, by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands or Heritages to be purchased under the Authority of this Act, the Purchase Money of the same shall be required

required to be paid into any of the said Banks, and to be applied in the Purchase of other Lands or Heritages to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court of Session to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Commissioners, who shall from Time to Time pay such Sum or Sums of Money for such Purposes as the said Court shall direct.

LVII. And be it enacted, That the Rights of all Heritable Property to be acquired in the Execution of this Act shall be taken in favour of the Clerk of the Commissioners for the Time, and his Successors in Office; and such Rights shall be sufficient for vesting the Subjects in the Commissioners and their Successors in Office; and all Contracts, Agreements, Sales, and Conveyances, or other Deeds or Writings constituting such Right, may be made according to the following Form:

Rights of Heritable Property how to be taken.

‘ I A. B. in consideration of
 ‘ to me paid [or in consideration of the annual Rent of
 ‘ to me to be hereafter paid by yearly or half-yearly Payments, as
 ‘ may be agreed on,] by the Commissioners of Police for the Burgh
 ‘ of do hereby grant, dispo, and convey to
 ‘ as Clerk to and for behoof of the said Commissioners, and his
 ‘ Successors in Office, all [*describing the Premises to be conveyed*],
 ‘ and all my Right, Title, and Interest to the same, to be holden
 ‘ by the said Commissioners and their Successors for ever, by virtue
 ‘ of an Act of Parliament made in the Third and Fourth Year of
 ‘ the Reign of His Majesty King William the Fourth, intituled *An*
 ‘ *Act [here insert the Title of this Act]*. In witness whereof I have
 ‘ subscribed these Presents, written by this
 ‘ Day of in the Year of our Lord
 ‘ before these Witnesses [*here insert Witnesses Names and Designations*].’

Form of Conveyance.

Which said Conveyance, being registered in the Register of Sasines of the Burgh or of the County respectively in which the Premises conveyed shall be situated, and which the respective Keepers of the Registers are hereby authorized and required to register, shall receive the same Effect and be as valid and effectual to all Intents and Purposes as if a formal Disposition had been executed, and followed by Sasine recorded according to the Form of the Law of Scotland, any Law, Statute, or Practice to the contrary notwithstanding.

LVIII. And be it enacted, That the said Commissioners shall and may sue and be sued in the Name of any one of the said Commissioners or of their Clerk; and no Action or Suit which may be so brought, commenced, or prosecuted by or against the said Commissioners or any of them, by virtue or on account of this Act, shall abate or be discontinued by the Death, Suspension, or Removal of such Commissioner or Clerk: Provided always, that every Commissioner or Clerk in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act shall be reimbursed, out of the Money to be raised by virtue of this

How the Commissioners may sue and be sued.

this Act, all such Damages, Charges, and Expences as such Party shall be put to or become chargeable with by reason of his being so made Pursuer or Defender therein.

Treasurer and
Collector to be
appointed.

LIX. And be it enacted, That the Commissioners shall in like Manner at their First Meeting elect and appoint a Treasurer and Collector to act during their Pleasure; and such Collector and Treasurer before they shall be permitted to take upon them the Execution of their Office shall respectively grant Bond, with sufficient Sureties, to the said Commissioners, for their Intromissions, and for the just and faithful Execution of their Office, to such an Amount as the said Commissioners shall think reasonable; and any Collector and Treasurer who may be convicted of wilfully secreting or not accounting to the said Commissioners for any Sum of Money received by him as Collector or Treasurer foresaid shall forfeit Triple the Amount thereof to the said Commissioners.

Allowance to
Collectors.

LX. And be it enacted, That such Collector shall be allowed for his Trouble in collecting such Rates and Assessments a Sum not exceeding the Rate of Five Pounds *per Centum* upon all such Sums of Money as he shall collect and receive.

Collector to
lodge all Monies
received by him
in Bank.

LXI. And be it enacted, That such Collector shall be obliged to lodge all Money received by him in one or other of the Bank of *Scotland*, Royal Bank of *Scotland*, or Bank of the *British* Linen Company of *Scotland*, or Commercial Bank of *Scotland*, or National Bank of *Scotland*, or in one of the Branches thereof, and if there are no Branches of any of such Banks in such Town, then in some other Bank to be fixed by the said Commissioners, upon an Account to be opened in the Name of the Commissioners, and to be operated upon by the Treasurer for the Time; and such Treasurer shall make no Drafts on the said Account for any private Purpose on any Pretence whatever, nor for any other Purpose than the Payments which shall from Time to Time be authorized by the said Commissioners or their Committees for the Purposes of this Act, as the same shall be certified to the said Treasurer by the Clerk to the said Commissioners, who shall countersign all such Drafts.

On Insolvency
of Treasurers or
Collectors, De-
ficiency may be
assessed.

LXII. And be it enacted, That in case any such Treasurer or Collector shall become insolvent, and the Sums chargeable against him shall not have been paid by his Sureties, then and in every such Case the Sum deficient shall be assessed upon the Burgh at the next annual Assessment in the Manner herein prescribed with regard to annual Assessments, and shall be payable at such Time as the said Commissioners shall appoint; and in case of Failure in Payment, the same Proceedings shall be competent as are hereby directed in case of Failure in Payment of the annual Assessment.

Names of Oc-
cupiers to be
furnished by
House Tax
Assessors.

LXIII. And be it enacted, That the Assessors of the House Tax, or other Assessors as aforesaid, shall furnish the said Commissioners, as often as they shall require the same, with a List of the Names of all Occupiers of Premises as aforesaid, certified as aforesaid, and on Payment of a Fee in manner before provided; and the Clerks of such Burghs as are included in the said recited Act shall, upon Requisition, furnish such Commissioners with a Copy of the List of the Persons qualified to vote in such Burgh for Members of Parliament.

LXIV. And

LXIV. And be it enacted, That on or before the Second Monday of November in each Year the said Commissioners (being summoned in manner herein-before directed by written or printed Summonses, which shall state that the Meeting is for the Purpose of laying on an Assessment,) shall assess all Tenants, Occupiers, and Possessors of Premises valued at Two Pounds or upwards of yearly Rent within such Burghs as shall adopt the Provisions of this Act, in the Sums necessary to be levied for the Purposes of this Act; which Assessment shall be calculated from *Whitsunday* to *Whitsunday*, and shall be payable in the Months of *October* and *November* annually; the first Year's Assessment being for One whole Year from the *Whitsunday* preceding to the *Whitsunday* next ensuing: Provided always, that the said Assessment shall not in any Year exceed the maximum Rate of Assessment that shall be fixed for such Year above provided.

Commissioners
to make Assess-
ment.

LXV. And be it enacted, That the said Commissioners shall not assess any Premises, which shall be unoccupied or unfurnished from one Term of *Whitsunday* to another Term of *Whitsunday*, nor the Town House of the Burgh, nor any Place used solely for public Worship, nor any Buildings which are solely occupied for the Purposes of Religion, or of public Charity, or of Science or Education; and no Person occupying Premises within the aforesaid Distance of One thousand Yards beyond the Boundary of any Burgh not comprehended within the said recited Act shall be assessed under or by virtue of this Act, unless he shall receive Benefit under the Provisions thereof; and if assessed, he shall only be assessed in respect of the House or other Premises which he may occupy, and not in respect of any Land held by him for agricultural Purposes, or as Nursery or Garden Ground, nor shall he be assessed in respect of such House or Premises excepting for and on account of such or such one of the Purposes of this Act as shall be extended and be beneficial to such House or Premises; and in case of any Dispute in relation to such Assessment, or the Benefit derived by the Person so assessed or sought to be assessed under the Provisions of this Act, the same shall, on the Application of the Party complaining, after Six Days Notice to the other Party, be heard and determined by the Sheriff of the Bounds, whose Determination shall be final.

Exceptions
from Assess-
ments.

LXVI. And be it enacted, That when the Provisions of this Act shall have been adopted in any Burghs possessed of any Free Income arising from the Common Good of such Burgh, after Deduction of the Interest of any Debt which such Burgh may owe, and also the necessary annual Outgoings of such Burgh, there shall be annually contributed therefrom such a reasonable Proportion towards the Purposes of this Act as the Town Council and the said Commissioners shall concert and adjust: Provided always, that if these Parties shall not agree thereupon, either of them may require, by Notice in Writing, that the Amount of such Contribution shall be submitted to the Decision of the Sheriff of the County wherein such Burgh shall be situated, and such Sheriff is hereby required thereupon to repair to such Burgh, and to inquire into all Facts and Circumstances which he may deem material, and to take in Writing the Statements of Parties, and such Evidence

Common Good
to contribute.

and also by Persons who shall be entitled to any Money due and owing on the Credit of such Rates; and such Persons may take Copies of or Extracts from any of the said Books, Accounts, and Proceedings, and of the said respective Rates, without Fee or Reward; and any Person in whose Custody or Power any such Books, Accounts, and Proceedings are, who shall refuse Inspection thereof, or to permit Copies or Extracts to be taken as aforesaid, shall be liable in a Penalty not exceeding Ten Pounds; and in case any Person who shall be rated shall be dissatisfied with any Accounts which shall have been made up as aforesaid, or with any of the Items or Articles contained in any such Account, such Person may appeal against the same by Petition to the Magistrates of the Burgh, in which shall be specified the Grounds of Objection to such Accounts, Items, or Articles; and the said Magistrates shall proceed to hear and determine the Matter of such Appeal, and the Decision shall be final and not subject to Review.

Account of
Application of
Monies to be
made out and
distributed
among Com-
missioners.

LXXIII. And be it enacted, That the said Commissioners shall yearly, between the last *Monday* in *January* and the second *Monday* in *February*, cause to be made out a just and accurate Account of all the Monies received and expended in the Execution of this Act, showing from what Sources such Monies have been received, and to what Purposes the same have been laid out and applied; and which Account, signed by the Preses of the Meeting and Clerk, shall be deposited with the Clerk, who shall cause to be printed, and inserted in One or more of the Newspapers published or circulated in such Burgh, authenticated Abstracts of such yearly Accounts, and shall permit any Person assessed under this Act to inspect and examine such Accounts at all seasonable Times, without Payment of any Fee or Reward for such Inspection.

Watchmen, &c.
to become Con-
stables.

LXXIV. And be it enacted, That the Watchmen and other Officers of Police appointed under the Authority of this Act shall, in virtue of their Appointment, and so long as they hold the same, and no longer, be subject to all the Regulations, and possess and exercise all the Powers applicable and belonging to the Office of Constable by the Law of *Scotland*, and shall, before acting, be respectively sworn in as Constables by the Chief Magistrate of the Burgh or Sheriff of the County.

Penalty for en-
ticing Watch-
men off their
Duty.

LXXV. And be it enacted, That every Person who shall lodge, harbour, or entertain, or entice from their Duty, any such Watchman or other Police Officer during their Hours of Duty, shall, on Conviction, forfeit and pay a Sum not exceeding One Pound for every such Offence.

Penalty for
obstructing
Officers.

LXXVI. And be it enacted, That every Person who shall assault, strike, obstruct, hinder, or molest any Officer or other Person employed under this Act, in the Execution of his Duty, shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds Sterling, without Prejudice to the Officer or other Person to sue for and recover a Recompence, Damages, or Expences for the Injury which he may sustain, and to have the same awarded in the due Course of Law.

Penalty on
Officers taking
any other Emo-
lument than
their Salary.

LXXVII. And be it enacted, That if any such Officer shall demand any Emolument whatsoever (other than such Salary or Allowance as shall be appointed and allowed by the said Commissioners)

missioners) for or on account of any thing whatsoever relative to his Employment or Duty, or shall be concerned or interested in any Bargain or Contract made by the said Commissioners for the Purposes of this Act, every such Person so offending shall be incapable of afterwards serving or being employed under the said Commissioners, and shall forfeit and pay a Sum not exceeding Twenty Pounds for every such Offence, together with full Expences.

LXXVIII. And be it enacted, That it shall be in the Power of any Magistrate within any such Burgh, on Complaint made to him, to suspend any of the said Watchmen for Neglect of Duty, declaring that any such Suspension shall be intimated to the next Meeting of the Commissioners, who shall have Power to do in the Matter as to them shall appear proper.

Magistrates empowered to suspend Watchmen.

LXXIX. And be it enacted, That all Persons taken into Custody within any such Burgh as shall have adopted the Provisions of this Act or any Part thereof, by the Officers of Police, shall be taken before one of the said Magistrates of such Burgh as soon as may be, and in no Case later than in the Course of the first lawful Day after they shall be so taken into Custody, to be proceeded with as the said Magistrate shall direct.

Persons in Custody to be taken before a Magistrate.

LXXX. And be it enacted, That the Officers aforesaid may apprehend and bring before any such Magistrate all Vagrants and common Beggars found within any such Burgh, for Examination, who shall be sent to any Parish, in whole or in part within the Jurisdiction of the Court in which they shall have acquired a legal Residence, or otherwise shall be ordered to leave the Territory of the Jurisdiction in which they shall have been apprehended; and if after the Expiration of Forty-eight Hours they shall be again found idle or begging within such Burgh, they may be apprehended and carried before the Magistrate, who may commit them, as disorderly Persons, to Prison or Bridewell for any Space not exceeding Thirty Days.

Vagrants, &c. to be apprehended.

LXXXI. And be it enacted, That on a Complaint by the Procurator Fiscal, any such Magistrate may and is hereby authorized and empowered to appoint all Persons convicted of keeping Houses resorted to by riotous or disorderly People, or who shall supply Spirituous Liquors to any Person under the Age of Fourteen Years, within any such Burgh, to find Security, of not less than Ten Pounds and not exceeding Fifty Pounds, for their good Behaviour for any Period not exceeding Twelve Months, and on failure to do so, to deprive them of their Certificates for selling Ale or Spirituous Liquors; and such Forfeiture shall forthwith be reported to the Collector of Excise within the District.

Keepers of Tippling Houses to find Security.

LXXXII. And be it enacted, That all Brokers and Dealers in Second-hand Goods, other than licensed Pawnbrokers, resident within any such Burgh, shall be bound under a Penalty for Failure of Twenty Shillings to register their Names and Place of Residence at the Office of the Clerk of Court, where they shall obtain a Certificate, under the Hands of the said Clerk, of such Registration, on Payment of a Fee of One Shilling; and all such Dealers in Second-hand Articles, as well as all Pawnbrokers, shall at all reasonable Times produce, on Demand, to the Fiscal of Court, or the Officers acting under his Orders, all Articles of whatsoever

Brokers and other Dealers in Second-hand Goods to register their Names.

whatsoever Description in their Possession which they may have purchased or received in pawn, and shall also keep Books, in which the Description of all such Articles shall be entered, and shall produce such Books when required; and such Persons are hereby required, on being informed that such Articles in their Possession were stolen or fraudulently obtained, to deposit the same with the Procurator Fiscal of the Court, who shall be bound to grant a Certificate of such Deposition, and to enter the same in a Book in manner after directed, in order that they may be produced in such Manner as may be necessary for the Ends of public Justice, or restored by Order of a Magistrate; and all Persons so dealing in Second-hand Articles without being first duly licensed as aforesaid, or who shall be found guilty of offending against the said Provisions and Enactments, shall for every such Offence forfeit a Sum not exceeding Five Pounds Sterling, without Prejudice to such Persons being also proceeded against as Receivers or Resettlers of stolen Goods according to Law; and in case of Refusal to produce such Articles in their Possession, or to deliver up any such Articles alleged to be stolen, any Magistrate of such Burgh may grant a Warrant to search for and produce to the Procurator Fiscal such Articles: Provided always, that a Book shall be kept, by or under the Directions of the said Procurator Fiscal, in which Entries shall be made of all Property seized or detained by any of the Officers of Court, or lodged with them for Purposes of Evidence or otherwise, as well as of the Time and Manner in which such Goods shall have been afterwards disposed of.

No Cattle to be driven on Sunday for Slaughtering.

LXXXIII. And be it enacted, That no Person shall drive Cattle or Bestial of any Description on *Sunday* through any Part of any such Burgh for the Purpose of being slaughtered within the same, under a Penalty not exceeding One Pound Sterling for each Offence.

Officers may liberate upon Bail.

LXXXIV. And be it enacted, That upon the Apprehension of any Person by the Officers of Police within any such Burgh, under Circumstances entitling him by Law to be liberated upon Bail, it shall be lawful to such Officer as the said Commissioners shall appoint for that Purpose, and he is hereby empowered, to accept of such Bail or of Consignation, and to liberate the Person upon Bail being so found to an Extent not exceeding Ten Pounds, or of Consignation to an Extent not exceeding Ten Pounds, it being expressly declared that the Refusal to accept of Bail or Consignation, and in consequence detaining the Prisoner until Recourse can be had to a Magistrate in the usual Form, shall not subject the said Officer to any Claim of Damages whatever.

Rules and Regulations to be painted and hung up.

LXXXV. And be it enacted, That all the Rules, Orders, Regulations, or Bye Laws to be made in virtue of this Act shall be legibly painted upon Boards, and hung up in such conspicuous Places as the Commissioners may appoint, and shall, when defaced or obliterated, be repainted and renewed.

Penalty on Persons defacing Boards.

LXXXVI. And be it enacted, That if any Person shall wilfully or maliciously pull down, deface, or destroy any such Board, he shall, upon Conviction, for each Offence forfeit and pay to the said Commissioners a Sum not exceeding Five Pounds.

Regulations as to Gunpowder.

LXXXVII. And be it enacted, That no Gunpowder shall be sold within the Bounds of any such Burgh as shall have adopted the

Provisions of this Act or any Part thereof by Candle or other artificial Light, under a Penalty not exceeding One Pound Sterling, to be paid for each Offence by the Person so selling the same; and no Person shall keep at any Time in any Place more than Ten Pounds Weight of Gunpowder, under a Penalty for the First Offence of any Sum not exceeding One Pound Sterling, for the Second Offence not exceeding Three Pounds Sterling, and for the Third and any subsequent Offence not exceeding Five Pounds Sterling, besides Forfeiture of all the Gunpowder which shall be found in such Place exceeding the aforesaid Weight; and the aforesaid Quantity of Ten Pounds Weight of Gunpowder allowed to be kept as aforesaid shall be deposited in a Place by itself, separate from all other Goods and Commodities, and shall be secured by Lock and Key, under a Penalty not exceeding One Pound Sterling, to be paid for each Offence by the Occupier of the Premises in which such Quantity of Gunpowder not so kept and secured as aforesaid shall be found: Provided always, that the Commanding Officer of any of His Majesty's Military or Naval Forces, or of any Volunteer or Yeomanry Corps, may keep such a Quantity of Gunpowder as he may think necessary for Military Purposes.

LXXXVIII. And be it enacted, That the Commissioners aforesaid may order and direct the Houses, Buildings, Shops, Cellars, or Warehouses within any such Burgh to be numbered with Figures, to be placed or painted on the Doors or on such other conspicuous Part thereof as they shall think proper; and may likewise order to be painted or otherwise inscribed on a conspicuous Place at or near the Corner of each Street, Square, Lane, Passage, or Place, the Name thereof; and any Person who shall wilfully or maliciously injure or deface any such Number, Figure, Name, or Description, shall for every such Offence forfeit and pay a Sum not exceeding One Pound.

Houses and
Streets to be
named and
numbered.

LXXXIX. And be it enacted, That if within any such Burgh any Person or Persons shall carry, push, roll, drive, draw, or cause to be carried, pushed, rolled, driven, or drawn, on any of the Foot Pavements within the Bounds thereof, any Bier, Sledge, Cask, or Wheel-barrow, Wheel or Wheels, or any Coach, Waggon, Cart, or Carriage whatsoever (except directly across the same on necessary Occasions); or shall wilfully ride, lead, or drive any Horse, Ass, Mule, or Cattle (except when going directly across the Foot Pavements to or from Stables or Cowhouses) upon any Part of the said Foot Pavements; or shall, in any of the Streets, Squares, Lanes, or Passages, drive any Carriage or Carriages for the Purpose of breaking, exercising, or trying Horses, or shall ride any Horse for the Purpose of exercising, airing, trying, showing, or exposing such Horse for Sale (otherwise than by passing through such Street or other public Places); or shall throw or cast any Dirt, Dung, Ashes, or Rubbish into or upon the same; or shall roll any Cask, empty or full, along the Foot Pavements, for any Distance whatever (except across them directly to or from a Cellar, Shop, or Warehouse), or shall roll any such Cask (except from a Shop, Cellar, Warehouse, or other Place directly to such Cart or Carriage as it is to be loaded upon, or from such Cart or Carriage as it has been loaded upon directly to the Shop, Cellar, Warehouse, or other Place in which it is to be deposited, not exceeding

Regulating
Foot Pavements
and Streets.

Thirty Yards in any Case); or shall drive any Cart or other Carriage on the Streets of any such Burgh, or any of the Roads or Passages within the Limits thereof, furiously or improperly; or shall drive any Four-wheeled Cart, commonly called a Wood Yanker, without a Person in charge of each Pair of Wheels; or shall leave any Cart or Carriage standing on the Streets, Roads, or Passages thereof, yoked or unyoked, either during the Day or Night; or shall ride any Horse furiously or improperly, or drive any Horse or Cattle or Carriage of any kind in an improper Manner upon any of the said Streets, Roads, or Passages; or shall load or drive any Plank or Piece of Timber exceeding the Length of Twenty Feet upon or by the Means of any Machine or Carriage having less than Four Wheels, or suffer the same, if upon such Machine or Carriage, or not being of the Length of Twenty Feet if upon a common Cart or other Carriage, to project beyond the outer Part thereof, or occupy more of the Street or Road in Breadth than is occupied by such Machine, Cart, or other Carriage itself, or to touch or drag upon any Part of such Street or Road; then it shall and may be lawful for any Person who shall see such Offence committed to seize such Offenders, and by Authority of this Act, without any other Warrant, to convey them to the Custody of any Officer of Police or other Peace Officer, in order to be secured or conveyed before any Magistrate of such Burgh, or the Sheriff of the County within which such Burgh is situated; and such Magistrate or Sheriff shall, upon the Complaint of the Person seizing such Offender, or of the Officer of Police or other Peace Officer into whose Custody he shall have been given, proceed to examine upon Oath any Witness or Witnesses who shall appear or be produced to give Information touching such Offence; and if the Party or Parties accused shall be convicted of riding, or breaking, exercising, or trying, or driving any Horse or Cattle, Cart or Carriage, furiously or improperly, he, she, or they shall forfeit and pay any Sum not exceeding Five Pounds Sterling; and any Person convicted of any other of the above Offences shall forfeit and pay any Sum not exceeding Twenty Shillings Sterling: Provided always, that nothing herein contained shall prevent the holding of any legal and accustomed Fair or Fairs within any such Burgh.

Stairs and other
Encroachments
in the Streets,
&c. to be re-
moved.

XC. And be it enacted, That it shall be lawful to the said Magistrates of any such Burgh, or the Dean of Guild, and to the Sheriff of the County in which such Burgh is situate, in their respective Burgh, Guild, and Sheriff Courts, and within their respective Jurisdictions, on an Application by the said Commissioners, or the Person to whom they may give Power to act for them in such Matters, in the Forms usual in such Courts, against the Proprietor or Proprietors of any Buildings fronting any of the Streets, Squares, Lanes, Roads, or Passages within such Burgh, having Stairs built upon the Streets or Foot Pavements, or projecting or encroaching to any Extent upon the Streets or Foot Pavements, or having any other Buildings or Things projecting therefrom or connected therewith, which obstruct the free Passage, or occasion Inconvenience or Hazard to Passengers on the Streets or Foot Pavement, to order such Stairs, Projections, Encroachments, or other Things to be removed by the Proprietor thereof, at the Sight of the Person pursuing, or any other Person who may be

named by such Magistrate, Dean of Guild, or Sheriff, within such reasonable Time and in such Manner as to such Magistrate, Dean of Guild, or Sheriff may appear suitable; and if the same be not removed within the Time fixed, the Proprietor or other Person through whose Default the Decree or Order of Court has not been duly implemented, shall forfeit and pay any Sum not exceeding Twenty Shillings for each Month after the Expiration of the Time allowed for removing during which the Obstructions remain; and in case such Obstructions shall not be removed within Six Months after the Time allowed for removing the same has expired, then such Magistrate, Dean of Guild, or Sheriff may and is hereby required to issue his Warrant for removing the same *brevis manu*.

XCI. And be it enacted, That in all Cases of Buildings already erected on the Sides of the Foot Pavements of any of the Streets, Squares, Lanes, Roads, or Passages of any such Burgh, which cannot have convenient Access made to them by any other Means than the Stairs or Projections or Encroachments already made, such Magistrate, Dean of Guild, or Sheriff shall not have Power to order such Stairs or Projections to be altogether removed, unless with the Consent of the Proprietor thereof; but it shall be lawful to such Magistrate, Dean of Guild, or Sheriff, and he is hereby authorized and empowered, to order such Stairs, Projections, or Encroachments to be removed or altered by the Proprietor thereof, at the Sight of such Person as may be named by the Magistrate, Dean of Guild, or Sheriff, and that to such Extent and in such Way as to him may appear proper, so as without depriving such Buildings of a suitable Access, to abate the Danger or Inconvenience arising from such Stairs or Projections; and in case of Failure to execute the Operations ordained by such Magistrate, Dean of Guild, or Sheriff, within the Time allowed, the Penalties before specified for a Failure to implement the Orders of such Magistrate, Dean of Guild, or Sheriff in the Case of a total Removal, shall in this Case also be incurred, and be recoverable in manner aforesaid; and in case the Order shall not be implemented within Six Months after the Time allowed for removing the same has expired, then such Magistrate, Dean of Guild, or Sheriff may and is hereby required to issue his Warrant for removing the same *brevis manu*.

If convenient Access cannot be obtained except by such Stairs, &c. then to be partially removed.

XCII. And be it enacted, That in all such Cases of the Removal in whole or in part (or the Alteration) of such Stairs, Projections, Encroachments, or other Buildings or Things, in case the Proprietor of the House or other Building to which the same belongs shall be thereby injured, he or they shall be entitled to a Compensation from the said Commissioners for such Injury, according as the Amount thereof shall be agreed upon between him and them, or shall be ascertained by such Magistrate, Dean of Guild, or Sheriff by means of a Remit to Persons of Skill, and a Report on Oath by them, or otherwise as such Magistrate, Dean of Guild, or Sheriff shall direct, in case the Parties shall consent to the Amount being so ascertained, or by a Jury, to be summoned in the same Manner as Juries in Scotland are summoned.

Compensation for Injury.

XCIII. And be it enacted, That the Proprietor, Life Renter, or any other Person entitled to the Rents of any Premises which shall be insecure, ruinous, or otherwise dangerous to Passengers,

Ruinous Houses to be secured or taken down.

shall be obliged and he is hereby required forthwith, on the Requisition of such Magistrate, Dean of Guild, or Sheriff, on the Application to him of the Procurator Fiscal, having the Consent of the Commissioners thereto, within a reasonable Time to be limited in such Requisition, to repair and secure or to pull down and remove such Premises; and in default thereof, such Magistrate, Dean of Guild, or Sheriff is hereby authorized and empowered, on the Report of Workmen, to repair and secure or pull down and remove such Premises; and every such Person aforesaid neglecting or refusing to comply with such Requisition shall for every Day forfeit and pay any Sum not exceeding Five Pounds Sterling, besides defraying the whole Expence incurred in repairing and securing or pulling down and removing such Premises.

Expences to be
paid by the
Commissioners.

XCIV. And be it enacted, That in all such Cases of the Removal in whole or in part, or the Alteration, of such Obstructions, the Proprietor shall be relieved by the said Commissioners of all Expence which may be incurred in making Application to such Magistrate, Dean of Guild, or Sheriff as aforesaid, in implementing his Orders, or in any other Way in relation to the Premises, except only such Expences as may be incurred by or through the improper Opposition of such Proprietor to the Application to be made as aforesaid, or any of the Proceedings under the same, or by or through his improper Refusal or Delay to implement the Orders of such Magistrate, Dean of Guild, or Sheriff, all which Expences shall be paid by such Proprietor; and accordingly such Magistrate, Dean of Guild, or Sheriff may and shall give Decreet according to the usual Form and Practice of his Court, ordering such Proprietor to make Payment of such Expence as the Amount thereof shall be ascertained by them.

Powers given to
Proprietors of
Flats or Floors
to erect foul or
waste Water
Pipes.

XCV. And be it enacted, That in all Streets or other Places within any Burgh which shall have adopted the Provisions of this Act, where Common Sewers are now or may hereafter be constructed, it shall be lawful to the Proprietor of separate Floors or Flats, under the Direction of the Commissioners, to erect one waste or foul Water Pipe along the back Wall of the Tenement, on the Outside, to communicate with any Drain under Ground leading into a Common Sewer, where there is such Drain, and with Power to make such Drain if there is not one already, and afterwards to keep the same in good and sufficient Repair; provided that the Expence and Damage occasioned by the erecting and constructing such Pipe, Communication, and Drain, and the Expence of keeping the same clean and in good Repair, shall be defrayed by the Proprietors of the Flats or Floors making use of the same, in proportion to their respective Rents, to be ascertained by the Books of Assessment aforesaid.

Power to Com-
missioners to
construct
Sewers and
Drains.

XCVI. And be it enacted, That the said Commissioners shall have Power to construct proper Main Drains or Common Sewers in all Places or Situations in any Street, Square, Lane, public Passage or Place where they may consider the same to be necessary, with Power from Time to Time to deepen and enlarge the same, and also to conduct Drains for leading Rain or other Water or Soil into such Main Drains: Provided nevertheless, that it shall not be lawful for the said Commissioners to cut off, divert, or alter any Stream or Watercourse, or diminish the ancient and accus-

tomed Quantity of Rain or other Water or Soil flowing therein at the Period at which the Provisions of this Act may be adopted in any such Burgh, without the Consent in Writing of the Persons severally interested in such Water, and of the respective Owners and Occupiers of the Land on either Side of such Stream or Watercourse throughout their respective Properties.

XCVII. And be it enacted, That the said Commissioners may provide One or more Fire Engines and Fire Cocks or Plugs, as the said Commissioners may judge necessary, and also fit Persons for working the same, and apply so much of the Assessments hereby authorized to be levied as may be necessary for such Purpose.

Commissioners to provide Fire Engines.

XCVIII. And be it enacted, That if any Chimney or Funnel for conveying Smoke within any such Burgh be set on fire, or be suffered to be set on fire, or shall take fire, the Occupier of the Premises to which such Chimney or Funnel belongs shall be liable in a Penalty of Ten Shillings; and such Occupier shall moreover be liable in such further Sum, not exceeding Ten Shillings, as any Magistrate of such Burgh shall award to be paid (in such Proportions, if there be more Claimants than One, as the said Magistrates shall direct,) to the Firemen or other Persons by whom such Fire is extinguished, or to the Fireman who shall soonest proceed to the Place to assist in extinguishing such Fire, or who shall first report such Fire at the Police Office.

If Chimneys, &c. take fire, a Penalty to be paid, and also a Reward to Firemen, &c.

XCIX. And be it enacted, That the said Commissioners may erect and maintain Steel-yards or other Weighing Engines upon or adjacent to the different Roads leading to any such Burgh, or at convenient Places within the same, for the Purpose of weighing such Articles as may be brought within such Burgh, and may enact such Rules, Regulations, and Bye Laws for regulating the weighing thereof, as they shall from Time to Time think necessary and expedient, and may enforce Obedience thereto under such Penalty and Forfeiture as they shall affix, not exceeding Twenty Shillings.

Commissioners may erect Steel-yards.

C. And be it enacted, That no Stones, Wood, Lime, Sand, or other Article shall be deposited, or any Sheds for Workmen or other Erection or Inclosure be placed upon or Opening made in any of the Streets or other public Places within any such Burghs, without the Authority of the Magistrates first had and obtained; and the Persons making or causing such to be made shall at their own Expence cause a sufficient Rail or Fence, and (where necessary) a Footpath, sufficiently fenced, to be put round the same, and shall also cause a sufficient Number of Lamps or Lights to be affixed at or near the same, to be kept burning every Night, from Sunsetting to Sunrising, that such Depositions, Erections, and Inclosures shall remain, or such Holes or Openings shall be unfilled up, all to the Satisfaction of the said Commissioners; in failure whereof such Magistrate may, on Complaint, decern the Persons so offending to pay any Sum not exceeding Two Pounds for each Day or Night the same may remain undone, and may also order such Depositions, Erections, Inclosures, Foundations, or Holes to be fenced, and Lamps or Lights to be affixed and kept burning at the Expence of the Persons employed or concerned therein, reserving always to any Persons who may suffer Injury by such Operations, whether the Provisions above written be observed or not, to prosecute for Reparation and Damages according to Law.

Stones, Lime, &c. on Streets to be inclosed and lighted.

Houses under
Repair to be
fenced.

CI. And be it enacted, That when it may become necessary to perform any Work upon Houses or Tenements within the Limits aforesaid, whereby Risk may arise of any Articles or Materials falling upon the Streets, or of other Injury to the Public, every Person carrying on or causing to be carried on such Works shall at his Expence sufficiently fence round the Parts of the said Foot Pavement opposite to such Houses, and shall uphold and keep in proper Repair the Fences aforesaid, during the whole Time the said Works are carrying on, to prevent Passengers from walking along those Parts of the said Foot Pavements, and, where necessary, shall also form a Footpath, sufficiently fenced, round or in front of such Fence; and the Person neglecting or refusing so to do shall be liable in a Penalty not exceeding Ten Shillings for each Day's Failure; and any Magistrate of any Burgh which shall have adopted the Provisions of this Act or any Part thereof may order the said Foot Pavements to be fenced in as aforesaid, at the Expence of such Person.

Sunk Steps to
be covered in.

CII. And be it enacted, That all Cellars and other Places adjoining to the public Streets or Places, having an Entry by sunk Steps or other Openings in the Pavement beyond the Line of the Wall of the Building to which they belong, shall be protected by a sufficient Iron Grating or other sufficient Cover, in such Way as may be best suited for preventing Danger or Injury; and if any Proprietor or Occupier shall fail to construct such Grating or Cover when required by any Magistrate of any Burgh which shall have adopted the Provisions of this Act, or to keep it properly secured, he shall be liable in a Penalty not exceeding Twenty Shillings, and such Magistrate may order the Work to be executed at the Expence of the Party so offending.

Chimney Pots,
&c. to be
secured or
removed.

CIII. And be it enacted, That such Magistrate, upon Complaint, may order to be removed or to be repaired all Chimney Cans or Pots, Tiles, Slates, Shutters, or other Articles on the Roofs or any other Part of Houses, which may be dangerous to Passengers; and on Failure, such Magistrate may employ a Person to remove or repair the same; and the Proprietor shall in such Case, besides paying all Expences, forfeit and pay a Sum not exceeding One Pound Sterling.

Pavements
going into Dis-
repair.

CIV. And be it enacted, That where any Part of the Streets and other Ways aforesaid, or the Pavements or Footpaths, Spouts, Shores, or Pipes, Drains or Common Sewers, or Water Pipes, within any such Burgh, whether already made or hereafter to be made, shall get into Disrepair, an Intimation in Writing shall be given, by Order of the said Commissioners, to the Person liable to repair the same, requiring him to make such Repair within a Time to be specified in such written Intimation; and failing thereof, it shall be competent for any such Magistrate of any such Burgh, on Complaint by the Procurator Fiscal, to fine and amerce such Person in Double the Amount of the estimated Expence of such Repairs, to be recovered in manner herein provided, and on Recovery thereof to authorize and direct such Repairs to be made by the said Commissioners, and the Expence to be defrayed out of the Sum to be so recovered; and the Remainder of such Sum, deducting the Costs of recovering the same, shall be applied as Fines and Penalties are by this Act directed to be applied.

CV. And

CV. And be it enacted, That the Proprietors of all Houses and other Buildings, or of Gardens, Yards, Grounds, and other Heritages on which Buildings are not erected, which are adjoining to or fronting any Street, Square, or other public or principal Place within any such Burgh, shall, at their own Expence, when required by the said Commissioners, cause Footpaths before their Property respectively, on the Sides of the said Roads, Streets, Squares, or other public or principal Places, to be made, and to be well and sufficiently paved with flat, hewn, or other Stones, or to be constructed in such other Manner and Form and of such Breadth as the said Commissioners shall direct; and in case such Proprietors shall refuse or neglect or delay so to do, the Magistrate before whom such Complaint shall be brought may fine and amerce such Proprietors in Double the Amount of the estimated Expence, to be recovered in manner herein provided, and on Recovery thereof to authorize and direct such Foot Pavements to be made by the said Commissioners.

Foot Pavements.

CVI. And be it enacted, That it shall be lawful to the said Commissioners to provide in any such Burgh a proper Police Office, if necessary, containing suitable Accommodation for the Meetings of the Commissioners, and for the several Officers of the Establishment, and for confining Prisoners, as provided for by this Act, and also proper Watch-houses in different Situations, and to contract with Proprietors of Buildings properly adapted or which may be capable of being adapted to the Purposes aforesaid, or with other Persons qualified and willing to enter into such Contracts, for the Purchase or Feu, or for the obtaining on Lease for a suitable Term of Years, of such Buildings; and in case no such Buildings, to the Satisfaction of the said Commissioners, can be found at a suitable Price or Rent, then the said Commissioners are hereby authorized and empowered to purchase or feu such convenient Sites as may have been fixed as aforesaid within any such Burgh, upon which Buildings for the Purposes aforesaid may be erected, and to contract for the Erection thereof, and for fitting up and furnishing the same.

Property may be purchased for Police Office.

CVII. And be it enacted, That it shall be lawful to the Magistrates and Town Council of any such Burgh, in conjunction with the Commissioners to be elected therein, to erect or cause to be erected in such Burgh, if necessary, a Weigh-house for the Use of the Inhabitants thereof, and of Persons resorting thereto, with the necessary Weights, Scales, and Measures, and other Conveniences requisite for the weighing or measuring any Articles of whatever Description which may be exposed to Sale in such Burgh, and requiring or desired to be weighed or measured; and it shall be lawful to the said Commissioners to demand and take such reasonable Rate or Sum for the Use thereof as shall be settled and agreed on between them and the said Magistrates; and the Expences of such Weigh-house shall and may be borne and defrayed by the said Commissioners out of the Assessments to be levied under or in virtue of the Powers hereby granted; and in case of Difference between the said Magistrates and the said Commissioners as to the Erection or Expence of such Weigh-house, or the Amount of the Rate to be taken for the Use thereof, it shall be competent for either Party, after Six Days previous Notice given to the other Party, to apply

Weigh-house may be erected.

to the Sheriff of the County, who shall determine the same, and whose Decision shall be final and conclusive.

Lamps to be erected.

CVIII. And be it enacted, That it shall be lawful for the said Commissioners to contract for lighting in a suitable Manner, with Oil, Gas, or otherwise, the whole Roads, Streets, Lanes, Wynds, Closes, Passages, and other Places within any such Burgh, or any Part thereof, as the said Commissioners shall from Time to Time think fit, and to erect the requisite Number of Lamps, Lamp Posts, Lamp Irons, and Gas Tubes, and to affix the same, where necessary, upon the Houses or other Buildings upon the Sides of the Streets: Provided always, that no Gas Pipe shall be affixed upon the Walls of any House without the Consent of the Owner or Occupier thereof in Writing.

Penalty for breaking Lamps.

CIX. And be it enacted, That if any Person shall wilfully take away, break, or throw down any Lamp or Lamps, Tube, or other Gas-fittings set up within the Bounds of any such Burgh, or shall wilfully extinguish the Light within the same, or damage the Irons or Appurtenances thereof, such Offender shall forfeit and pay a Fine not exceeding Five Pounds Sterling for every such Offence, and shall moreover pay such Sum as the Magistrate before whom such Offender shall be brought shall find to be necessary for remedying the Damages done; and in case such Offender shall not immediately upon Conviction pay such Fine, such Magistrate is hereby empowered to commit him to the Common Gaol or Bridewell for a Space not exceeding Sixty Days; and such Offender shall not be discharged before the Expiration of that Time, unless such Fine shall be sooner paid; and in case of Neglect or Refusal to pay the Sum so awarded in Name of Damages within Forty-eight Hours after it shall be demanded, the same may be recovered by Poinding and Sale of the Offender's Effects, or by other legal Means.

Power to open Streets.

CX. And be it enacted, That in case it shall be necessary for the conducting of Gas, or making Common Sewers or Drains, or for laying Pipes for the Supply of any such Burgh with Water or Gas, or for any other Purposes, that the Streets within any such Burgh should be opened, it shall be in the Power of the said Commissioners, and they are hereby authorized to apply by Petition to the Magistrates and Council of such Burgh, and to Road Trustees respectively, with regard to Streets and other Places under their respective Management and Superintendence, for Leave to open such Streets, Roads, and other Places; and such Magistrates and Council and Road Trustees respectively shall, on such Application, grant the necessary Warrant for that Purpose; the said Commissioners and those employed by them being always bound to carry on such Operations in the Manner least inconvenient for the Inhabitants, and with the least possible Delay, and at their own Expence to fence such Works while the same are going on, and to reinstate the Streets and other Places so opened by them in the same Condition as before they shall have been so opened.

Commissioners to appoint Scavengers.

CXI. And be it enacted, That the said Commissioners may appoint Scavengers and others for sweeping and cleansing the Streets, Roads, Lanes, and other Places in any such Burgh, or contract with any Person for these Purposes, and to remove the Dung or Fulzie thereof to such Places as the said Commissioners shall deem least offensive to the Inhabitants; with Power to the said Commissioners

sioners to rent or purchase Depôts for that Purpose, within or without any such Burgh, from such Person as may be willing to contract and agree with them therefor ; and all Dust, Ashes, Dung, or other Fulzie, excepting always Stable and Byre Dung, and the Refuse of Slaughter-houses, collected upon the Streets, Lanes, common Stairs or Passages within such Burgh, shall belong to the Commissioners.

CXII. And be it enacted, That as soon as the Magistrates and Council, or other Persons duly authorized, shall provide in the Suburbs or other proper and convenient Place of any such Burgh fit Shambles or Slaughter-houses for the Purpose of slaughtering Cattle and other Beasts, and shall by Tuck of Drum, or other usual Mode of Proclamation in such Burgh, once a Day for Seven Days have declared the same to be open, it shall not thereafter be lawful for any Flesher or Butcher or other Person (private Persons in their own Premises, for the Use of their own Families, and Incorporations, who have erected Shambles at the Sight and under the Authority of the Magistrates and Town Council, and their Tenants, alone excepted,) to slaughter Cattle or other Beasts elsewhere than in the Shambles or Slaughterhouse so to be provided ; and any Person thereafter using any other Shambles or Slaughterhouse shall be liable to the said Commissioners in a Penalty not exceeding Twenty Pounds ; and it shall and may be lawful for the said Commissioners to demand and take for the Use thereof such reasonable Rate or Sum as may be agreed on and fixed between them and the said Magistrates ; and in case of Difference as to the Rate to be taken for the Use of such Slaughter-house or Shambles, the same shall, upon the Application of either Party, and after Seven Days previous Notice to the other Party of such intended Application, be fixed and determined by the Sheriff of the County, whose Decision thereon shall be final and conclusive, and not subject to Review in any Court of Law or Equity.

If Magistrates provide Shambles, Cattle not to be elsewhere slaughtered.

CXIII. And be it enacted, That the Magistrates and Council of any such Burgh for the Time being shall have full Power and Authority, and they are hereby empowered and authorized, to license such Number of Hackney Coaches, Landaus, Chariots, or other Carriages for Hire, as they from Time to Time shall think proper ; and the Town Clerk of such Burgh shall be entitled to exact the Sum of One Shilling for each Licence, such Licence to continue for Two Years, and to prevent all others, not licensed, from plying for Hire, or occupying any Part of the Streets or Highways of such Burgh, Suburbs or Liberties thereof ; and if any Person or Persons who shall obtain such Licence shall not, within the Space of One Month after obtaining or receiving the same, keep and maintain such Coach or other Carriage for which such Licence shall be granted, for the Use and Convenience of the Public, and continue so to do during the Continuance of his or her Licence, and shall, on the Complaint of the Procurator Fiscal, or other public Prosecutor of such Burgh, be convicted thereof before the said Magistrates, or any One of them, by the Oath or Oaths of One or more credible Witness or Witnesses, such Person or Persons shall forfeit and pay any Sum not exceeding Five Pounds Sterling for each Offence, to be levied summarily, and the Licence thereafter shall be void ; but in case the Person so offending shall

Hackney Coaches, &c. to be regulated.

surrender

surrender his Licence to the said Magistrate, such Fine or Penalty shall not be levied; and such Magistrates shall be and are hereby authorized and empowered to make such other Rules and Regulations as they shall think fit for licensing and regulating the said Hackney Coaches and other Carriages, and also for Sedan Chairs, Carts, Waggon, and Porters, in such Burgh, and for trying and punishing the Misbehaviour of Coachmen, Drivers, Chairmen, Carters, and Porters, and for fixing and altering their Stands, and for ascertaining what Rates and Fares, both as to Distance and Time, shall be allowed to be taken by them, and to what Distance, and under what Penalties, Coachmen, Drivers, Chairmen, and Porters shall be obliged to drive or ply in and round such Burgh, not exceeding Seven Miles for Coachmen, and Two Miles for Chairmen and Porters; and the said Magistrates and Council are hereby authorized and empowered from Time to Time to repeal, add to, alter, or amend such Rules and Regulations, and to impose Fines and Penalties for the Breach or Nonperformance of such Rules and Regulations; which Fines and Penalties shall be recoverable on the Complaint of the Procurator Fiscal or other public Prosecutor of such Burgh, or on the Complaint of the private Party aggrieved; declaring that no Penalty imposed by the said Magistrates and Council shall exceed One Pound Sterling; and all such Rules and Regulations made by such Magistrates and Council, specifying the Fines and Penalties for the Breach and Nonperformance thereof, shall from Time to Time, as often as they shall be made, altered, or varied, be put up, either in Print or in Writing, on such Place or Places as the said Magistrates and Council shall think proper, at all Times to remain and be in the said Place or Places.

Water from
Roofs, &c. to
be conveyed by
Pipes.

CXIV. And be it enacted, That it shall be lawful for the said Commissioners to require that the Water from the Roofs and Cornices of all Houses or other Buildings fronting the public Streets, Lanes, Roads, Passages, Wynds, and Closes, shall be conveyed by leaden or other proper Pipes or Runs, to be brought down the Walls of such Houses or other Buildings respectively to the Ground, and shall be kept in repair, at the Expence of the Proprietors of such Houses or other Buildings respectively, but so as that the same shall not discharge the Water thereby conveyed upon the Foot Pavements; and if any such Proprietor shall fail or neglect to convey such Roof Water in manner aforesaid, within Fourteen Days after being required to do so by such Commissioners, any Magistrate may, on Complaint as aforesaid, order the Works necessary for conveying the said Water in manner aforesaid to be done at the Expence of such Proprietors, to be recovered, along with the Expences of the Application, by Pounding and Sale as aforesaid.

Power to Com-
missioners to
bring Water
into the Burgh.

CXV. And be it enacted, That it shall be lawful for the said Commissioners to dig Wells and, except in such Burghs in which there shall be Works already established by Act of Parliament for the supplying any such Burgh with Water, to bring Water into such Burgh for the Use of the Inhabitants, and for that Purpose to contract and agree with the Proprietors and all other Persons interested in any Springs, Stream, or River capable of supplying such Burgh, and with the Owners and Occupiers of Ground situated between such Springs, Stream, or River and such Burgh, for

for the Right and Privilege of collecting and conveying the Water of such Springs, Stream, or River into such Burgh, and of erecting Cisterns and laying Pipes, and to construct all other necessary Works for conveying such Water into such Burgh, in and through the Lands or Grounds lying between such Springs, Stream, or River and such Burgh, and also through the Streets and Lanes thereof, and to open such Ground from Time to Time in order to repair or replace such Pipes and Works, and from Time to Time to contract and agree with such Persons as they shall judge proper for laying such Pipes, and erecting, completing, and repairing such Works, as may be necessary for effecting the Purposes above mentioned.

CXVI. And be it enacted, That all and every the Pipes or other Conduits to be laid or used for the Conveyance of Gas in, under, through, along, or across or round any Road, Street, Lane, or other public Passage or Place within such Burgh, shall be so laid at the greatest practicable Distance, and, whenever the Width of the Carriage-way in such Street or Place will allow thereof, at the Distance of Four Feet at least from the nearest Part of any Water Pipe, Sough, or Watercourse already laid down or hereafter to be laid down for the Conveyance of Water in, under, through, along, across, or round any of the Streets, Lanes, or other public Passages or Places within such Burgh, except in Cases where it shall be unavoidably necessary to lay the Gas Pipes across any of the said Water Pipes, Soughs, or Watercourses, in which Cases the said Gas Pipes shall be laid over and above the said Water Pipes, Soughs, and Watercourses at the greatest practicable Distance therefrom, and shall form therewith as near as possible a Right Angle; and in such Cases the said Gas Pipes so crossing the said Water Pipes, Soughs, and Watercourses shall be at least Six Feet in Length, so that no Joint of any of the said Gas Pipes shall be nearer to any Part of the said Water Pipes, Soughs, or Watercourses than Three Feet at least; and in laying down the said Gas Pipes the said Commissioners shall in no Case join Two or more Gas Pipes together previously to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall in such Trench form the Jointing with the other Pipes to be added thereto with proper and sufficient Materials, and shall also make and keep all and every such Pipes, and all Pipes connecting or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively, air-tight, and in all and every respect prevent the said Gas from escaping therefrom, upon pain of forfeiting for any such Offence, if the said Commissioners shall neglect or refuse to make such Gas Pipes air-tight within Twenty-four Hours after Notice thereof given to them in Writing, the Sum of Fifty Pounds, to be recovered, at the Instance of any Person having Interest, by summary Complaint to the Sheriff of the County in which such Burgh is situate.

For the Protection of Water Pipes.

CXVII. And be it further enacted, That whenever the Water of any Owner or Company of Proprietors of Waterworks shall be contaminated or affected by the Gas to be supplied under the Authority of this Act, the said Commissioners shall forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds, to be sued for and recovered as herein directed, and applied for the

To prevent Contamination of Water by Gas.

the Use and Benefit of the Water Company or Owner of the Waterworks affected thereby; and in case any such Water shall be contaminated or affected by Gas in any way whatsoever, then and in every such Case the said Commissioners supplying such Gas shall, within Twenty-four Hours next after Notice thereof in Writing, signed by the Clerk or Surveyor to such Water Company, Owner, or Company of Proprietors, or by any Person consuming the Water, to be left with or at the Office of the Clerk of the said Commissioners, cause the most proper and effectual Measures to be taken effectually to stop and prevent Gas from escaping from their Works, Mains, or Pipes, or contaminating or affecting the Water of such Company or Owner of Waterworks; and in case the said Commissioners shall not, within Twenty-four Hours next after each and every such Notice so left as aforesaid, effectually stop and prevent Gas from so escaping, and wholly and satisfactorily remove the Cause of every such Complaint, and prevent all and every such Contamination whereof Notice shall be given as aforesaid, then and in every such Case the said Commissioners shall, on each and every Complaint whereof Notice shall be given as aforesaid, forfeit and pay to the Treasurer for the Time being, or to any One of the Directors for the Time of such Water Company, or to such Owner of Waterworks, for the Use and Benefit of such Company or Owner, over and above the before-mentioned Penalty of Twenty Pounds, to be recovered as herein directed, the Sum of Ten Pounds for each and every Day during which such Water shall be and remain contaminated, tainted, or affected by the Gas of the said Commissioners; and in default of Payment thereof as aforesaid such Penalty or Penalties shall and may be recovered by summary Complaint to the Sheriff of the County in which such Burgh is situate, with the Evidence on Oath of One credible Witness, by and in the Name of any One or more of the Directors of any such Water Company, or of such Owner, at the Option of the Party or Parties pursuing such Complaint against the said Commissioners before the said Sheriff, with such Expences therefor as shall be modified by him, and to be levied by Decree and Precept of Poining the Goods and Effects of the said Commissioners, together with the Expences of such Decree and Precept; and such Penalty or Penalties, when so levied, shall be paid to the Treasurer, or to One of the Directors for the Time being of the Company, or to the Owner of such Water contaminated or affected by such Gas.

For ascertain-
ing if Water is
contaminated.

CXVIII. ' And whereas it may be or become a Question upon
' such Complaint as aforesaid whether the said Water be con-
' taminated or affected by the Gas supplied under the Authority of
' this Act; be it therefore enacted, That in every such Case it shall
and may be lawful to and for the said Owner or Company of Pro-
prietors of Waterworks to apply to the Sheriff of the County in
which such Burgh is situated for a Warrant, and on obtaining the
same to dig to and about and search and examine the Mains,
Pipes, Conduits, and Apparatus of the said Commissioners, for
the Purpose of ascertaining whether such Contamination proceeds
or be occasioned by the Gas of the said Commissioners; and if it
shall appear that the said Water has been contaminated by any
Escape of such Gas, the Expences of the said Digging, Search, and
Exami-

Examination, and Repair of the Pavement of the Street or Streets which shall be taken up or disturbed, shall be borne and paid by the said Commissioners; which Expences shall be ascertained and determined, if necessary, by the Sheriff of such County, and be recovered by Decree and Precept of Poinding, as herein-before directed: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen from any such Escape of Gas from any of the Mains, Pipes, or Conduits of the said Commissioners, then the Company or Persons supplying such Water shall bear and pay all the Expences of such Examination, Repair, and Search, and shall also make good to the said Commissioners any Loss, Injury, or Damage which may be occasioned to the said Mains, Pipes, Conduits, or Apparatus of the said Commissioners by such Search and Examination, and also to the Pavement of the said Streets so broken or disturbed in such Search; the Amount of such Injury to be ascertained and determined, if necessary, by the Sheriff of such County, and recoverable in like Manner as the Penalties are herein-before directed to be recovered.

CXIX. Provided also, and be it further enacted, That nothing herein contained shall extend or be construed to prevent any Person or Persons from proceeding against the said Commissioners in respect of any such Gas Work, or the Method which shall be employed by them for furnishing such Light as aforesaid, as a public or private Nuisance, or from bringing any Actions against the said Commissioners for any Injury sustained by reason of any such Works or Method of lighting, whether such Injury shall proceed from the Nature of such Method of lighting, or the Carelessness or Want of Skill of the Persons who may be employed therein.

Persons making Gas not protected from Indictment for a Nuisance.

CXX. And be it enacted, That it shall be lawful for the said Commissioners, except in such Burghs in which there shall be Works already established by Act of Parliament for the supplying any such Burgh with Water or Gas, to treat and agree for, and thereafter, with the Consent of the Proprietors or other Trustees or other Persons in Charge or Management thereof, to assume and take the Management of such Works and Establishment, and of the supplying of Water or Gas thereby, or otherwise, to such Burgh: Provided always, that the said Commissioners shall previously thereto satisfactorily undertake for all the Debts and Obligations legally due by and incumbent on such Waterworks or Establishment, and free and indemnify the Persons theretofore having the Management and Administration thereof.

Management of Waterworks, where established, vested in Commissioners.

CXXI. And be it enacted, That if any Person shall take or cause to be taken or used any Water out of any Pond, Tank, Reservoir, or Aqueduct, or other Work belonging to the said Commissioners, whether the same be already made, or shall be made or acquired by virtue of this Act, without the previous Consent in Writing of the said Commissioners to give such Consent, then and in every such Case every Person so offending shall forfeit and pay a Sum not exceeding Fifty Pounds Sterling for every such Offence.

Water not to be abstracted from Reservoirs.

CXXII. And be it enacted, That if any Person shall wilfully or maliciously damage or destroy any Cistern, Pipe, or Apparatus, or other Work for supplying Water or Gas as aforesaid, or shall wantonly

Penalty on Persons maliciously injuring Works.

wantonly discharge or let off any Water or Gas from such Cistern, Pipe, Apparatus, or other Work, every such Person shall, besides the full Amount of the Damage done thereby, forfeit and pay to the said Commissioners any Sum not exceeding Fifty Pounds Sterling for every such Offence.

Supplying
Persons with
Water or Gas.

CXXIII. And be it enacted, That it shall be lawful for the said Commissioners to enter into Contracts with the Occupier or Proprietor of any House or Premises situated within any such Burgh for the Supply of such Owner or Occupier with Water or Gas, and by such Contract such Proprietor or Occupier may, at his own Expence, be permitted to convey Water or Gas into such House or Premises, upon making such annual Payment to the said Commissioners, and on such Conditions, as may be agreed upon : Provided always, that if at any Time the Payment of such annual Sum shall fall into arrear, it shall be lawful for the said Commissioners to levy the same by Pointhing and Sale of the Party's Effects in manner herein-before provided for the Recovery of Assessments due under the Provisions of this Act, and to stop the further Supply of Water and Gas to such Premises in such Manner as they shall direct ; and provided also, that nothing herein contained shall be construed to prevent any Person from taking Water at any of the public Wells already made and erected or to be made and erected within such Burgh.

Ball-cocks to be
provided in Cisterns.

CXXIV. And be it enacted, That every Person so supplied with Water shall in every Receptacle for Water affix to the Pipe conveying Water into his Premises a Ball-cock or other self-acting Cock, in such Manner as the said Commissioners or their Officers shall direct, and shall keep the same in repair, and shall prevent the Water running to waste or being applied to the Use of any other Person or Persons than those resident on the Premises ; and any Person so offending shall forfeit a Sum not exceeding Twenty Shillings Sterling for every such Offence, with Power to the said Commissioners on the Third Offence to stop the Supply of Water to such Party ; and the Officers of such Commissioners shall have free Access at all seasonable Times to the Premises so to be supplied as aforesaid, to see that such Ball-cocks are kept in proper and sufficient Condition and Repair, and that such Waste or Misapplication does not occur.

Power to borrow Money.

CXXV. And be it enacted, That it shall be lawful for the said Commissioners to borrow and take up, for the Purpose of procuring a Police Office, erecting a Slaughterhouse or Shambles, or Weigh-house, or for erecting Lamps, or for making and constructing Common Sewers, any Sum not exceeding Three Years Amount of the several Assessments fixed and determined as above provided in relation to these several Objects respectively, or for procuring Water any Sum not exceeding Six Years Amount of the Assessment fixed for that Object ; that is to say, that a Sum may be borrowed and applied to the said Purposes, in so far as the same relate to the Watching Department, not exceeding Three Times the Amount of the Proportion of the Assessments specified as applicable for One Year to the Department of Watching, as herein-before provided ; and in like Manner Sums may be borrowed for the Purpose of being applied to the aforesaid Purposes connected with the other Departments respectively, not exceeding Three Times the Amount
of

of the Assessments specified as applicable for One Year to each of the said Departments respectively; and in like Manner a Sum may be borrowed for procuring Water or supplying Gas, or paying for any existing Waterwork or Establishment or Gaswork as aforesaid, not exceeding Six Years Amount of the yearly Assessment fixed on for bringing Water into such Burgh.

CXXVI. Provided always, and be it enacted, That in all Cases in which it shall be necessary for the said Commissioners to borrow any Sum or Sums of Money for the Purposes of this Act, it shall be lawful for the said Commissioners, and they are hereby authorized and required, at their first Annual Meeting for Assessment after such borrowing, or at any subsequent Annual Meeting, not exceeding Twelve Months from the Date of any such borrowing, to assess all Tenants, Occupiers, and Possessors of Premises valued as aforesaid in such an additional Assessment beyond the Sum necessary for the Purposes of this Act as will produce a Fund amounting to Five *per Centum per Annum* upon the Sum so borrowed by the said Commissioners, which Sum of Five *per Centum per Annum* the said Commissioners shall annually appropriate, set apart, and invest at the highest Rate of Interest which can be had for the same in the Public Funds, in any of the said Banks, or in Heritable Security, as a Sinking Fund, applicable and to be applied by them from Time to Time in the Repayment of the Money borrowed, until the Debt shall be extinguished: Provided always, that such additional Assessment shall not increase the whole Assessment leviable beyond the maximum Rate of Assessment, to be fixed at the first Meeting for fixing the maximum Rate of Assessment, or any subsequent Triennial Meeting as aforesaid.

Commissioners
to establish a
Sinking Fund.

CXXVII. And be it enacted, That no Commissioner, or Officer acting under them, shall be personally liable for the Repayment of any Money so borrowed, but all such Obligations shall be deemed and taken to be granted on the sole Security of the Rates and Assessments authorized to be assessed and levied as hereinbefore provided.

Commissioners
not to be per-
sonally liable.

CXXVIII. And be it enacted, That all Bonds for the Monies to be borrowed as aforesaid shall be signed by the Treasurer or Collector of the said Commissioners in Presence of Two of the said Commissioners, who shall sign as Witnesses thereto, and shall be in the Form and Tenor following; *videlicet*,

As to Bonds to
be granted.

‘ Number [*here state the Number*].

‘ **BY** virtue of an Act made in the Third and Fourth Year of
‘ the Reign of His Majesty King *William* the Fourth, intituled
‘ *An Act to enable Burghs in Scotland to establish a general System*
‘ *of Police*, I, *A. B.* [*here state whether Treasurer or Collector, or*
‘ *both,*] of the Commissioners of Police for the Burgh of [*here*
‘ *insert the Name of the Burgh*], and by Authority of said Com-
‘ missioners, in consideration of the Sum of [*here insert the Sum*
‘ *in Words*] instantly advanced and paid to me on account of the
‘ said Commissioners, and for the Purposes of the said Act, by
‘ *C. D. of E.*, do hereby bind and oblige the said Commissioners
‘ for the Time being, out of the first and readiest of the Monies to
‘ be raised under the annual Assessments by the said Act autho-
‘ rized to be imposed and levied, to pay at the Term [*insert Term*
‘ *of Payment*] to the said *C. D.*, his Executors or Assignees, the
‘ said

thereupon cease and determine in so far as such Powers and Provisions regulate or relate to any of the Ends and Purposes provided for by this Act, and so adopted; saving always the Powers and Provisions in relation to Water herein contained; and this Act, or so much thereof as shall be so adopted, shall thereafter come into full Force and Operation, and shall be executed in the Manner herein provided.

CXXXII. Provided always, and be it enacted, That where Two or more Burghs locally situated together, and described in the said recited Act of the First and Second Year of the Reign of His Majesty King *William* the Fourth as One Parliamentary Burgh, shall severally be possessed of Local Acts regulating the Police of such Burghs separately, it shall not be competent or lawful in such Case for the Inhabitants of any such Burghs to make any such Application as is herein-before authorized for adopting the Provisions of this Act, or to add to the same in whole or in part, unless the Persons in each such Burgh, qualified as aforesaid, shall unanimously agree so to do.

Where Two or more Burghs are locally situated under 1 & 2 W. 4. they are not to come under this Act.

CXXXIII. And be it enacted, That where the Provisions of this Act shall be made to apply to any Burgh now having or which may hereafter have a Local Act, all Bonds, Contracts, Covenants, Agreements, and Securities made and entered into under and by virtue of any Local Act shall remain in full Force and Effect, and shall continue available and binding on all the Parties thereto in all Courts of Justice; and nothing herein contained shall be construed to extend or diminish or affect the Debts, Rights, or Claims of any Creditor under any such Act, but all such Debts, Rights, or Claims shall continue Burdens under this Act to the same Extent and in the same Manner that they were Burdens under such Local Act; and in all Cases where the Provisions of this Act shall be made to apply, the Officers appointed under and employed in the Execution of any such Local Act shall respectively continue to exercise their Offices until they shall be respectively legally removed therefrom under the Authority of this Act.

Contracts under former Acts saved.

Officers under former Acts.

CXXXIV. And be it enacted, That all Offences specified in this Act may be tried either by the Sheriff of the County within which such Burgh shall be situated, according to the summary Form prescribed in an Act passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to authorize additional Circuit Courts of Justiciary to be held, and to facilitate Criminal Trials, in Scotland*, or by the Magistrates of such Burgh in the Manner after provided: And it is hereby provided, that Prosecutions shall alone be raised and insisted in at the Instance of the Procurator Fiscal of Court; and all Penalties awarded and Sums recovered under the Authority of this Act, whereof the Application is not otherwise provided, after deducting Expences (if any), shall be paid to the Commissioners of Police, and shall be applied by them in their respective Burghs for the Purposes of this Act, and be accounted for by them along with the Sums authorized to be assessed under the Provisions of this Act: And it is further provided, that such Sheriff and Magistrates may respectively appoint as Procurator Fiscal, either jointly along with the ordinary Fiscal of Court, or in such other way as they may respectively prefer, such Officer of Police as the said Commissioners

Trial of Offences.

9 G. 4. c. 29.

Application of Penalties.

may recommend for that Duty, to the Effect that such Officer may conduct, as Procurator Fiscal, Prosecutions under this Act before such Courts respectively.

Jurisdiction of
Magistrates of
Burghs.

CXXXV. And be it enacted, That the Magistrates of every Burgh wherein shall have been adopted the Provisions of this Act in regard to Watching shall enjoy, hold, and possess, in so far as regards the Recovery of Rates, the Matter of Crime, and also of Offence specified in this Act, the same Jurisdiction over the whole Territory adjoining to such Burgh, comprehended within the Limits to which this Act shall extend, as that which such Magistrate may hold and possess within such Burgh itself.

Jurisdiction
conferred on
Magistrates.

CXXXVI. And be it enacted, That the Chief Magistrate of such Burgh, and in the Case of united Burghs the Chief Magistrate acting as Preses aforesaid, and their Successors in Office, or in his unavoidable Absence, the acting Chief Magistrate for the Time, shall within their respective Burghs (but for the Purposes of this Act only) possess such and the like Jurisdiction and Authority for the Trial of Crimes and Offences specified in and cognizable under this Act as such Magistrates would possess if nominated and appointed Sheriff Substitutes within their respective Burghs, and shall try such Crimes and Offences according to the summary Form and subject to the Appeal prescribed in and allowed by the said recited Act of the Ninth Year of the Reign of His said late Majesty King George the Fourth.

Provisions of
this Act to
apply to all
Police Acts.

CXXXVII. And be it enacted, That from and after the passing of this Act all the Enactments and Provisions in this Act contained shall extend and apply to all Acts of Parliament which shall hereafter be passed for the regulating the Police of any Royal Burgh, Burgh of Regality, or Burgh of Barony in *Scotland*, save and except in so far as such Enactments and Provisions may be expressly altered or excluded by any such Act.

Saving Clause.

CXXXVIII. Saving and reserving always to all Sheriffs and their Substitutes, and to all Burghs, Provosts, Magistrates and Council, Deans of Guild, and to all Justices of the Peace, and to all other Magistrates, all Rights of Shrievalty, and all and every Jurisdiction, of whatever Kind or Nature, Civil as well as Criminal, and to all private Parties, all Rights of Markets which they are anyways used or entitled to exercise, in the same Manner as if this Act had never been passed; and saving and reserving always the whole Acts and Statutes now in force for regulating the Police, the Distribution of Water or of Gas of and in any Royal Burgh or any other Burgh in *Scotland*, and all Powers, Jurisdictions, Provisions, and Authorities thereby conferred, which are hereby declared to remain in full Force and unrepealed, excepting in so far as the same may be altered or abrogated under the Powers and Provisions of this Act.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

NOTICE is hereby given, That in virtue of the Powers contained in an Act passed in the Third and Fourth Year of His Majesty King William the Fourth, intituled *An Act to enable Burghs in Scotland to establish a general System of Police*, the Occupiers of Pre-

mises in the Burgh of _____ or the Burgh of _____ and
Places adjacent within One thousand Yards from the Bounds and
Limits thereof [*as the Case may be*], of the real yearly Rent or
Value of _____ and upwards, are hereby required to meet upon
_____ the _____ Day of _____ next, at Twelve of the
Clock, within _____ in this Burgh, when the said Act shall
be laid before the Meeting.

(Signed)

Dated

E. F. Acting Chief Magistrate.

SCHEDULE (B.)

Form of the Book to be used at the Meeting for resolving whether this Act shall come into operation.

Adopt, or not, the Provisions of Act, in so far as respects					Signatures of Voters.	Designation of Voters.	Residence of Voters.
Paving.	Watching.	Lighting.	Cleaning.	Water.			
			.				

SCHEDULE (C.)

Form of the Book to be used in the Election of Commissioners.

Names and Designations of Commissioners voted for		Signatures of Electors.	Designations of Electors.	Residence of Electors.
1.	2.			

CAP. XLVII.

An Act to authorize His Majesty to give further Powers to the Judges of the Court of Bankruptcy, and to direct the Times of sitting of the Judges and Commissioners of the said Court. [28th August 1833.]

7 G. 4. c. 57. 1 & 2 W. 4. c. 56.

‘ WHEREAS by an Act passed in the Seventh Year of the
 ‘ Reign of His late Majesty King *George* the Fourth, inti-
 ‘ tuled *An Act to amend and consolidate the Laws for the Relief of*
 ‘ *the Insolvent Debtors in England*, it is amongst other things
 ‘ enacted, that the Court established for the Relief of Insolvent
 ‘ Debtors in *England* shall be continued, and that the several Per-
 ‘ sons appointed by His Majesty to be Chief and other Commis-
 ‘ sioners of the said Court shall continue to be the Chief and other
 ‘ Commissioners of the said Court, with all the Powers, Privileges,
 ‘ and Authorities in the said Act specified : And whereas by an Act
 ‘ passed in the First and Second Years of the Reign of His present
 ‘ Majesty, intituled *An Act to establish a Court in Bankruptcy*, it
 ‘ is enacted, that it shall be lawful for His Majesty, His Heirs and
 ‘ Successors, by a Commission under the Great Seal, to appoint
 ‘ One Person to be the Chief Judge and Three other Persons to
 ‘ be other Judges of the said last-mentioned Court : And whereas
 ‘ such Chief and other Judges have been duly appointed under and
 ‘ by virtue of the said Act : And whereas it has been found, that
 ‘ consistently with the Vacation necessarily allowed to the Com-
 ‘ missioners of the first-mentioned Court, and with the Time occu-
 ‘ pied by them while they are on their several Circuits, Intervals
 ‘ occur in their Sittings during which Prisoners who would other-
 ‘ wise be entitled to their Discharge cannot obtain the same : And
 ‘ whereas there are not a sufficient Number of such Commissioners
 ‘ to enable them to extend their Circuits to the Principality of
 ‘ *Wales* ; of all which Grievances repeated Complaints have been
 ‘ made : And whereas the Business of the said Court of Bankruptcy
 ‘ will allow Time for the Judges of the said Court, other than the
 ‘ Chief, some One or more of them, to discharge Part of the
 ‘ Duties vested in the Commissioners of the said first-mentioned
 ‘ Court :’ Be it enacted by the King’s most Excellent Majesty, by
 and with the Advice and Consent of the Lords Spiritual and Tem-
 poral, and Commons, in this present Parliament assembled, and
 by the Authority of the same, That it shall and may be lawful for
 His Majesty, His Heirs and Successors, from Time to Time, by
 Commission under the Great Seal of *Great Britain*, to authorize
 and direct the Judges of the said Court of Bankruptcy, other than
 the Chief Judge, any One or more of them, to act in the said first-
 mentioned Court as a Commissioner or Commissioners thereof, at
 such Times and for such Purposes as may in any such Commission
 be specified.

His Majesty may direct the Judges, other than the Chief, of the Bankruptcy Court, to act in the Insolvent Debtors Court.

Such Judges to have the same Powers as the Commissioners of the Insolvent Debtors Court.

II. And be it further enacted, That the said Judge or Judges so to be named in the said Commission shall have and may exercise all the Powers, Authorities, and Privileges, whether in the Court House of the said first-mentioned Court, or upon the Circuit, or elsewhere, which by the said first-recited Act are given to or vested in

in the Commissioners of the said first-mentioned Court, or any One or more of them.

III. And be it further enacted, That it shall and may be lawful for the said first-mentioned Court forthwith, after such Petition and Schedule as are by Law required shall have been filed in the said Court by any Prisoner lawfully entitled so to do, being in any Gaol within the Principality of *Wales*, to order such Prisoner to be brought before One of the Commissioners of the said first-mentioned Court or Judges of the said Court of Bankruptcy (acting by virtue of this Act) proceeding on his Circuit at such Assize or other Town or Place within the County or County of a City or Town wherein such Gaol shall be situate, as may be directed by Order of the said first-mentioned Court in that Behalf; and the Matters of the Petition of such Prisoner shall be heard by such Commissioner or Judge accordingly, who shall for that Purpose have and exercise all the Powers, Authorities, and Privileges which are by Law now vested in such Commissioners severally on Circuit in *England*: Provided always, that nothing herein contained shall be construed to prevent the said first-mentioned Court from ordering any such Prisoner to be brought before the Justices of the Peace in the said Act mentioned in Cases where the said Court may see fit so to do; and that the Matters of any such Petition may be heard by such Justices, and all other Proceedings had therein, in manner directed by the said first-recited Act.

Insolvent Court empowered to order Prisoners to be brought before One of the Commissioners or Judge of the Court of Bankruptcy.

IV. And be it further enacted, That the Clerks of the Peace for the several Counties within the Principality of *Wales*, or their Deputies, shall bring to the Place of hearing of any Petition of any such Prisoner before such Judge or Commissioner the Duplicate of Petition, and Schedule, Books, Papers, and Writings lodged with him, as by the said first-recited Act the Clerks of the Peace in *England* and their Deputies are required to do before the Commissioners going Circuits in *England*; and that such Clerks of the Peace in *Wales*, or their Deputies, shall do all such other Acts at the Times of such Hearings, and be entitled to such Fees and Allowances, as are required of or allowed to Clerks of the Peace in *England* and their Deputies.

Clerks of the Peace of Principality of *Wales* to bring to the Place of hearing Petitions, the Duplicate of Petition, Schedule, &c.

V. And be it further enacted, That it shall and may be lawful for the Lord High Treasurer or Lords Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being to direct that such Sum or Sums shall be paid as may appear fit and necessary for the defraying the travelling Expences of such Judge or Judges, with their or his Registrar or Deputy Registrar, and other necessary Officers, in the Execution of their Duties under this Act.

Treasury may direct Payment of travelling Expences of Judges, &c.

VI. And be it enacted, That it shall and may be lawful for the Court of Review in Bankruptcy to order and direct any One or more of the Registrars or Deputy Registrars of the said Court of Bankruptcy to attend any One or more of the said Judges in the Discharge of their Duties under this Act, and to give such Attendance and perform such Duties as the said Court of Review may by any Order direct.

Court of Review may direct Registrars or Deputy Registrars to attend the said Judges.

VII. And be it further enacted, That it shall be lawful for His Majesty, His Heirs and Successors, by Warrant under His Royal Sign Manual, from Time to Time to authorize any One or more

Powers given to His Majesty with respect to the Court of Bankruptcy.

Judge or Judges of the said Court of Bankruptcy to exercise the same Jurisdiction and Powers in all respects as by the said secondly-recited Act is and are given to any Three of such Judges; and also by any such or the like Warrant to direct at what Times the said Court of Review, and the Judges or Commissioners of the said Court of Bankruptcy, and every of them, shall respectively hold their Sittings.

Court of Review
may make
Orders as to
taxing of Costs.

VIII. And be it further enacted, That it shall and may be lawful for the said Court of Review to order that any Costs, which by the said secondly-recited Act are directed to be taxed by one of the Masters of the High Court of Chancery, shall and may be taxed by one of the Registrars or Deputy Registrars of the said Court of Bankruptcy.

CAP. XLVIII.

An Act to amend an Act of the Second and Third Years of His present Majesty, relating to Stage Carriages in *Great Britain*; and also to explain and amend an Act of the First and Second Years of His present Majesty, relating to Hackney Carriages used in the Metropolis.

[28th August 1833.]

2&3W.4. c.120.

‘ **WHEREAS** an Act was passed in the Second and Third Years of the Reign of His present Majesty, intituled *An Act to repeal the Duties under the Management of the Commissioners of Stamps on Stage Carriages and on Horses let for Hire in Great Britain, and to grant other Duties in lieu thereof, and also to consolidate and amend the Laws relating thereto*, and it is expedient to alter and amend the said Act in the several Particulars herein-after mentioned;’ be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, so much and such Part and Parts of the said recited Act as in any Manner regulate or restrict the Number of Passengers allowed to be carried on the Outside of any Stage Carriage, or regulate or relate to the Distribution or placing of or the Manner of carrying the Outside Passengers on any Stage Carriage, and also so much and such Part of the said recited Act as requires that a separate Division or Space shall be allotted for Luggage on the Top or Roof of any Stage Carriage, shall be and the same is and are hereby repealed: Provided always, that nothing herein contained shall extend or be construed to extend to repeal or alter any Clause of the said recited Act by which any Penalty is imposed for conveying a greater Number of Passengers on the Outside of any licensed Stage Carriage than is specified and allowed in and by the Licence granted in respect of such Carriage.

So much of
recited Act as
relates to the
Number or
Distribution of
Outside Pas-
sengers, or as
requires a se-
parate Division
for Luggage on
the Roof of a
Stage Carriage,
repealed.

Number of
Outside Passen-
gers allowed to
be carried by
Stage Carriages.

II. And be it enacted, That notwithstanding any thing in the said recited Act contained, any licensed Stage Carriage with Four Wheels or more, the Top or Roof of which shall not be more than Eight Feet and Nine Inches from the Ground, and the Bearing of which on the Ground shall not be less than Four Feet Six Inches from the Centre of the Track of the Right or off Wheel to the Centre of the Track of the Left or near Wheel, if such Carriage shall

shall be licensed to carry any Number not more than Nine Passengers, shall be allowed to carry not more than Five of such Passengers outside; and if licensed to carry more than Nine and not more than Twelve Passengers, shall be allowed to carry not more than Eight of such Passengers outside; and if licensed to carry more than Twelve and not more than Fifteen Passengers, shall be allowed to carry not more than Eleven of such Passengers outside; and if licensed to carry more than Fifteen and not more than Eighteen Passengers, shall be allowed to carry not more than Twelve of such Passengers outside; and if licensed to carry any greater Number than Eighteen Passengers, shall be allowed to carry not more than Two additional Passengers outside for every Three additional Passengers which such Carriage shall be so licensed to carry in the whole; provided that in no Case a greater Number of Passengers shall be carried on the Outside of any Stage Carriage than the Licence relating thereto shall authorize to be carried on the Outside thereof; and if any greater Number of Outside Passengers shall be carried by any Stage Carriage than as herein-before specified and allowed, or if any Outside Passenger shall be carried by any Stage Carriage not expressly licensed to carry any Outside Passenger, the Driver of such Stage Carriage at the Time when such Offence shall be committed shall forfeit Five Pounds.

Penalty for carrying more Outside Passengers than are allowed, *5l.*

III. And be it enacted, That the several Numbers of Outside Passengers by this Act allowed to be carried by any such Stage Carriage as aforesaid shall be reckoned exclusive of the Driver and also of the Conductor or Guard, if there shall be a Conductor or Guard of such Stage Carriage; and that no Child or Children in the Lap shall be counted as a Passenger or Passengers; and that no Child not in the Lap, but under Seven Years of Age, shall be so counted, unless there shall be more than One such Child, and if there shall be more than One such Child not in the Lap, but under Seven Years of Age, then Two of such Children shall be accounted equal to One Adult Person, and considered as One Passenger, and so on in the same Proportion.

Driver, Guard, and Children in Lap, not to be counted as Passengers; 2 Children under Seven Years reckoned as One Passenger.

IV. And be it enacted, That no Person shall be allowed to sit or be carried upon any Luggage placed on the Roof of any Stage Carriage, and that not more than One Passenger or other Person shall be allowed to sit or be carried upon the Box with the Driver of any Stage Carriage; and that if any Person shall sit or be carried upon any Luggage placed as aforesaid, or if more than One Person besides the Driver shall sit or be carried upon the Box of any Stage Carriage, the Driver of such Stage Carriage at the Time when any such Offence shall be committed shall forfeit Five Pounds.

No Person to sit on Luggage placed on the Roof, nor more than One Person besides the Driver on the Box.

Penalty *5l.*

V. And be it enacted, That all Penalties which may be incurred under the Provisions of this Act may be prosecuted for and recovered by Information or Complaint before a Justice of the Peace in the Name of any Person who will inform or complain in that Behalf, by the same Ways and Means and in the same Manner and Form as are and is provided for the Recovery of any Penalty incurred under the said recited Act; and all Clauses, Regulations, and Provisions contained in the said recited Act, relating to the recovering, levying, or mitigating of the Penalties thereby imposed, shall be of full Force and Effect, and shall be applied and put in

Mode of recovering Penalties.

execution for the recovering, levying, and mitigating of the Penalties by this Act imposed, as fully and effectually to all Intents and Purposes as if such Clauses, Regulations, and Provisions had been repeated and specially enacted in this Act with reference to the Penalties by this Act imposed.

Application of Penalties.

VI. Provided always, and be it enacted, That all pecuniary Penalties imposed by or incurred under this Act and under the said recited Act, or either of them, whether the same shall be sued or prosecuted for and recovered by or in the Name of His Majesty's Attorney General in *England*, or His Majesty's Advocate for *Scotland*, or the Solicitor of Stamps, or any other Officer of Stamp Duties in *England* or *Scotland* respectively, or for the Recovery of which any Information or Complaint shall be made or any Action or Suit commenced by any other Person or Persons whomsoever, shall go and be applied to the Use of His Majesty, any thing in the said recited Act to the contrary thereof notwithstanding; and all such Penalties shall be paid or remitted to the Solicitor of Stamps in the Manner directed by the said Act, and shall be deemed to be Part of His Majesty's Revenue arising from Stamp Duties, and shall accordingly be accounted for and paid by the said Solicitor to the Receiver General of Stamp Duties: Provided always, that it shall be lawful for the Commissioners of Stamps, at their Discretion, to give all or any Part of any such Penalties as Rewards to any Person or Persons who shall have detected the Offences for or in respect of which such Penalties shall have been incurred, or who shall have given Information which may have led to the Discovery thereof or to the Conviction of the Offenders.

The Act
1 & 2 W. 4. c. 22.
not to extend
to Steam Car-
riages.

VII. ' And whereas an Act was passed in the First and Second Years of the Reign of His present Majesty, intituled *An Act to amend the Laws relating to Hackney Carriages, and to Waggons, Carts, and Drays, used in the Metropolis, and to place the Collection of the Duties on Hackney Carriages, and on Hawkers and Pedlars, in England, under the Commissioners of Stamps*; and Doubts have arisen whether Carriages drawn or impelled by the Power of Steam, and used for the Conveyance of Passengers for Hire, are Hackney Carriages, subject to the Duties and Regulations imposed and enacted by the said last-recited Act;' for removing such Doubts, be it enacted and declared, That nothing in the said last-recited Act shall extend or be deemed or construed to extend to any Carriage drawn or impelled by the Power of Steam, or otherwise than by Animal Power.

CAP. XLIX.

An Act to allow Quakers and Moravians to make Affirmation in all Cases where an Oath is or shall be required.

[28th August 1833.]

' **W**HEREAS it is expedient and reasonable that the solemn Affirmation of Persons of the Persuasion of the People called Quakers, and of Moravians, should be allowed in all Cases, ' where an Oath is or shall be required;' be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

same, That every Person of the Persuasion of the People called Quakers, and every Moravian, be permitted to make his or her solemn Affirmation or Declaration, instead of taking an Oath, in all Places and for all Purposes whatsoever where an Oath is or shall be required either by the Common Law or by any Act of Parliament already made or hereafter to be made, which said Affirmation or Declaration shall be of the same Force and Effect as if he or she had taken an Oath in the usual Form; and if any such Person making such solemn Affirmation or Declaration shall be lawfully convicted wilfully, falsely, and corruptly to have affirmed or declared any Matter or Thing, which if the same had been in the usual Form would have amounted to wilful and corrupt Perjury, he or she shall incur the same Penalties and Forfeitures as by the Laws and Statutes of this Realm are enacted against Persons convicted of wilful and corrupt Perjury, any Law, Statute, or Custom to the contrary notwithstanding: Provided always, that every such Affirmation or Declaration shall be in the Words following; (that is to say,)

Quakers and Moravians permitted to make a solemn Affirmation or Declaration instead of an Oath.

Penalty on affirming or declaring falsely.

‘ I *A. B.* being one of the People called Quakers [*or one of the Persuasion of the People called Quakers, or of the United Brethren called Moravians, as the Case may be,*] do solemnly, sincerely, and truly declare and affirm.’

Form of Declaration.

II. ‘ And whereas some Doubts may arise as to the Form of the Affirmation to be taken in lieu of the Oath of Abjuration ‘ by Persons of the Persuasion of the People called Quakers;’ be it therefore enacted, That instead of the Form of Affirmation prescribed in lieu of the Abjuration Oath by an Act of the Eighth Year of the Reign of His late Majesty King George the First, intituled *An Act for granting the People called Quakers such Forms of Affirmation or Declaration as may remove the Difficulties which many of them lie under*, and instead of the Form of the Oath of Abjuration prescribed by an Act of the Sixth Year of the Reign of His late Majesty King George the Third, intituled *An Act for altering the Oath of Abjuration and the Assurance, and for amending so much of an Act of the Seventh Year of Her late Majesty Queen Anne, intituled ‘An Act for the Improvement of the Union of the Two Kingdoms,’ as after the Time therein limited requires the Delivery of certain Lists and Copies therein mentioned to Persons indicted of High Treason or Misprision of Treason*, every Person of the Persuasion of the People called Quakers shall be permitted to make his or her solemn Affirmation in the following Words; (*videlicet,*)

Form of Affirmation in lieu of Oath of Abjuration.

8 G. 1. c. 6.

6 G. 3. c. 53.

‘ I *A. B.* [being one of the People called Quakers, [*or one of the Persuasion of the People called Quakers, or of the United Brethren called Moravians, as the Case may be,*] do solemnly, sincerely, and truly acknowledge, profess, testify, and declare, That King *William* is lawful and rightful King of this Realm, and of all other His Dominions and Countries thereunto belonging: And I do solemnly and sincerely declare, That I do believe that not any of the Descendants of the Person who pretended to be Prince of *Wales* during the Life of the late King *James* the Second, and since his Decease pretended to be and took upon himself the Style and Title of King of *England* by the Name of *James* the Third, or of *Scotland* by the Name of *James* the Eighth, or the Style and Title of King of *Great Britain*, hath any Right or Title whatsoever to the Crown of this Realm, or any other

‘ other the Dominions thereunto belonging ; and I do renounce
 ‘ and refuse any Allegiance or Obedience to any of them : And I
 ‘ do solemnly promise, That I will be true and faithful and bear
 ‘ true Allegiance to King *William*, and to Him will be faithful
 ‘ against all traitorous Conspiracies and Attempts whatsoever which
 ‘ shall be made against His Person, Crown, or Dignity ; and I will
 ‘ do my best Endeavour to disclose and make known to King
 ‘ *William* and His Successors all Treasons and traitorous Con-
 ‘ spiracies which I shall know to be made against Him or any of
 ‘ Them ; and I will be true and faithful to the Succession of the
 ‘ Crown, against the Descendants of the said *James*, and against all
 ‘ other Persons whatsoever, which Succession by an Act, intituled
 ‘ *An Act for the further Limitation of the Crown, and better securing*
 ‘ *the Rights and Liberties of the Subject*, is and stands limited to
 ‘ the Princess *Sophia* Electoress and Duchess Dowager of *Hanover*,
 ‘ and the Heirs of her Body, being Protestants : And all these
 ‘ Things I do plainly and sincerely acknowledge, promise, and de-
 ‘ clare, according to these express Words by me spoken, and ac-
 ‘ cording to the plain and common Sense and Understanding of the
 ‘ same Words, without any Equivocation, mental Evasion, or secret
 ‘ Reservation whatsoever : And I do make this Recognition, Ac-
 ‘ knowledgment, Renunciation, and Promise heartily, willingly,
 ‘ and truly.’

CAP. L.

An Act to repeal the several Laws relating to the Customs.
 [28th August 1833.]

‘ **W**HEREAS several Acts were passed in the Sixth Year of
 ‘ the Reign of His late Majesty King *George* the Fourth, for
 ‘ consolidating and amending the Laws relating to the Customs and
 ‘ Navigation : And whereas since the passing of the said Acts
 ‘ divers Acts for the further Amendment of the same have been
 ‘ found necessary ; and it being expedient again to consolidate and
 ‘ further to amend the said Laws, and it is necessary the said Acts
 ‘ should be repealed :’ Be it therefore enacted by the King’s most
 ‘ Excellent Majesty, by and with the Advice and Consent of the
 ‘ Lords Spiritual and Temporal, and Commons, in this present Par-
 ‘ liament assembled, and by the Authority of the same, That this Act
 ‘ shall commence upon the First Day of *September* One thousand
 ‘ eight hundred and thirty-three, except where any other Commence-
 ‘ ment is herein particularly directed.

II. And be it further enacted, That the several Acts herein-after
 mentioned and referred to shall be repealed ; that is to say, an
 Act passed in the Sixth Year of the Reign of His late Majesty
 King *George* the Fourth, intituled *An Act for the Management of*
the Customs ; and also an Act passed in the Sixth Year of the
 Reign of His late Majesty King *George* the Fourth, intituled *An*
Act for the general Regulation of the Customs ; and also an Act
 passed in the Sixth Year of the Reign of His late Majesty King
George the Fourth, intituled *An Act for the Prevention of Smuggling* ;
 and also an Act passed in the Sixth Year of the Reign of His late
 Majesty King *George* the Fourth, intituled *An Act for the En-*
couragement of British Shipping and Navigation ; and also an Act
 passed

Commence-
ment of Act.

The follow-
ing Acts
repealed :—

6 G. 4. c. 106.

6 G. 4. c. 107.

6 G. 4. c. 108

6 G. 4. c. 109.

passed in the Sixth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for the registering of British Vessels*; and also an Act passed in the Sixth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for granting Duties of Customs*; and also an Act passed in the Sixth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for the warehousing of Goods*; and also an Act passed in the Sixth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to grant certain Bounties and Allowances of Customs*; and also an Act passed in the Sixth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to regulate the Trade of the British Possessions Abroad*; and also an Act passed in the Sixth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for regulating the Trade of the Isle of Man*; and also an Act passed in the Seventh Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to alter and amend the several Laws relating to Customs*, except so much thereof as relates to the Distillation of Spirits in the *Isle of Man*; and also an Act passed in the Seventh and Eighth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to amend the Laws relating to the Customs*; and also an Act passed in the Ninth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to amend the Laws relating to the Customs*, except so much thereof as relates to the Importation of Spirits into the *Isle of Man*; and also an Act passed in the Tenth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to impose Duties on the Importation of Silk and Silk Goods, and to allow Drawbacks on the Exportation thereof*; and also an Act passed in the Tenth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to amend the Laws relating to the Customs*; and also an Act passed in the First Year of the Reign of His present Majesty King William the Fourth, intituled *An Act to impose an additional Duty of Customs on Spirits the Produce of the British Possessions in America*; and also an Act passed in the First Year of the Reign of His present Majesty King William the Fourth, intituled *An Act to amend an Act of the Sixth Year of His late Majesty, to regulate the Trade of the British Possessions Abroad*; and also so much of an Act passed in the First and Second Year of the Reign of His present Majesty King William the Fourth, intituled *An Act to abolish certain Oaths and Affirmations taken and made in the Customs and Excise Departments of His Majesty's Revenue, and to substitute Declarations in lieu thereof*, as relates to the Department of Customs; and also an Act passed in the First and Second Year of the Reign of His present Majesty King William the Fourth, intituled *An Act to discontinue or alter the Duties of Customs upon Coals, Slates, Wool, Barilla, and Wax*; and also an Act passed in the First and Second Year of the Reign of His present Majesty King William the Fourth, intituled *An Act to equalize the Duties on Wine*; and also an Act passed in the First and Second Year of the Reign of His present Majesty King William the Fourth, intituled *An Act to repeal so much of an Act for the Management of the Customs as allows certain Fees to be taken by Officers of the Customs; and to make further Regulations in respect thereof*; and also an Act passed

6 G. 4. c. 110.

6 G. 4. c. 111.

6 G. 4. c. 112.

6 G. 4. c. 113.

6 G. 4. c. 114.

6 G. 4. c. 115.

7 G. 4. c. 48.
(In part.)

7 & 8 G. 4. c. 56.

9 G. 4. c. 76.
(In part.)

10 G. 4. c. 23.

10 G. 4. c. 43.

1 W. 4. c. 48.

1 W. 4. c. 24.

1 & 2 W. 4. c. 4.
(In part.)

1 & 2 W. 4. c. 16.

1 & 2 W. 4. c. 30.

1 & 2 W. 4. c. 40.

2 & 3 W. 4. c. 84. passed in the Second and Third Year of the Reign of His present Majesty King *William* the Fourth, intituled *An Act to amend the Laws relating to the Customs*; and the said several Acts and Parts of Acts before mentioned, recited, and set forth, so far as the same shall be in force at the Commencement of this Act, are hereby accordingly repealed, except so far as the said Acts or any of them, or any thing therein contained, repeal any former Act or Acts or any Part thereof; and all and every which said Act or Acts, or the Parts thereof so repealed, shall remain and continue repealed to all Intents and Purposes whatsoever; and except so far as relates to any Arrears or Drawbacks which shall have become due and payable, or any Penalty or Forfeiture which shall have been incurred.

except as they repeal former Acts; and except as to Drawbacks, &c. now due.

All Acts relating to Revenue of Customs, Navigation, or Smuggling repealed, except as herein excepted.

18 G. 3. c. 12.

III. And in order that no Doubt should remain whether any, or what if any, former Act or Acts relating in any way to the Customs continue in force, be it further enacted, That all Acts and Parts of Acts relating to the Revenue of Customs, to Navigation, or to the Prevention of Smuggling, in any Part of the *British* Dominions, so far as the same shall be in force at the Commencement of this Act, shall be and the same are hereby repealed, save and except such Acts and Parts of Acts as are herein-after mentioned and described; that is to say, an Act passed in the Eighteenth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for removing all Doubts and Apprehensions concerning Taxation by the Parliament of Great Britain in any of the Colonies, Provinces, and Plantations in North America and the West Indies*; and for repealing so much of an Act made in the Seventh Year of the Reign of His late Majesty as imposes a Duty on Tea imported from Great Britain into any Colony or Plantation in America as relates thereto; and also so much of any Act or Acts, or the Part of any Act or Acts, now in force, which was or were passed prior to the last mentioned Act, and by which any Duties in any of the *British* Possessions in America were granted and still continue payable to the Crown, as relates to the Collection and Appropriation of such Duties, except as herein-after excepted; and also an Act passed in the Thirty-first Year of the Reign of His Majesty King

31 G. 3. c. 31.

George the Third, intituled *An Act to repeal certain Parts of an Act passed in the Fourteenth Year of His Majesty's Reign, intituled 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America,' and to make further Provisions for the Government of the said Province*; and also an Act passed in the Fifty-first Year of the Reign of His late Majesty King

51 G. 3. c. 47.

George the Third, intituled *An Act for carrying into effect the Provisions of a Treaty of Amity, Commerce, and Navigation concluded between His Majesty and His Royal Highness the Prince Regent of Portugal*; and also an Act passed in the Fifty-ninth Year of the

59 G. 3. c. 54.

Reign of His late Majesty King *George* the Third, intituled *An Act to carry into effect a Convention of Commerce concluded between His Majesty and the United States of America, and a Treaty with the Prince Regent of Portugal*; and also an Act passed in the Fifty-

59 G. 3. c. 69.

ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to prevent the Enlisting or Engagement of His Majesty's Subjects to serve in Foreign Service, and the fitting out or equipping in His Majesty's Dominions Vessels for warlike Purposes, without His Majesty's Licence*; and also an Act passed in the

the Fourth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to authorize His Majesty, under certain Circumstances, to regulate the Duties and Drawbacks on Goods imported or exported in Foreign Vessels, and to exempt certain Foreign Vessels from Pilotage*, as the said Act is amended by an Act passed in the Fifth Year of the Reign of His present Majesty for that Purpose; and also an Act passed in the Thirty-seventh Year of the Reign of His Majesty King George the Third, intituled *An Act for regulating the Trade to be carried on with the British Possessions in India by the Ships of Nations in amity with His Majesty*; and also an Act passed in the Fourth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to consolidate and amend the several Laws now in force with respect to Trade from and to Places within the Limits of the Charter of the East India Company, and so much further Provisions with respect to such Trade; and to amend an Act of the present Session of Parliament, for the registering of Vessels, so far as relates to Vessels registered in India*; and also an Act passed in the Fourth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for regulating Vessels carrying Passengers between Great Britain and Ireland*; and also an Act passed in the Fifty-fifth Year of the Reign of His Majesty King George the Third, intituled *An Act to repeal the Provisions of former Acts granting exclusive Privileges of Trade to the South Sea Company, and the indemnifying the said Company for the Loss of such Privileges*; and also another Act passed in the said Fifty-fifth Year of the Reign of King George the Third, made for amending the said last-mentioned Act; and also an Act passed in the Fifth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to amend the several Acts for the Encouragement and Improvement of the British and Irish Fisheries*; and all other Acts and Parts of Acts relating to the said Fisheries which were in force upon the said Fifth Day of January One thousand eight hundred and twenty-six; and also an Act passed in the Sixth and Seventh Year of the Reign of King William the Third, and another Act passed in the Fifteenth Year of the Reign of His late Majesty King George the Third, and another Act passed in the Thirty-first Year of the Reign of His said Majesty, which several Acts relate to certain Keel Boats and Carriages, and for loading Coals on board Ships; and also an Act passed in the Sixth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to repeal the several Laws relating to the Performance of Quarantine, and to make other Provisions in lieu thereof*; and also an Act passed in the Forty-third Year of His late Majesty King George the Third, intituled *An Act for the better securing the Freedom of Elections of Members to serve in Parliament for any Place in Ireland, by disabling certain Officers employed in the Collection or Management of His Majesty's Revenues in Ireland from giving their Votes at such Elections*; and also an Act passed in the Fourth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for regulating the Number of Apprentices to be taken on board British Merchant Vessels, and for preventing the Desertion of Seamen therefrom*, and which Act it is hereby declared and enacted doth and shall extend to Ireland; and also an Act made in the Parliament of Ireland in the Twenty-first and Twenty-second Years of the

4 G. 4. c. 77.

5 G. 4. c. 1.

37 G. 3. c. 117.

4 G. 4. c. 80.

4 G. 4. c. 88.

55 G. 3. c. 57.

55 G. 3. c. 141.

5 G. 4. c. 64.

6 & 7 W. 3. c. 10.

15 G. 3. c. 27.

31 G. 3. c. 36.

6 G. 4. c. 78.

43 G. 3. c. 25.

4 G. 4. c. 25.

21 & 22 G. 3.
(I.)

2 & 3 W. 4. c. 84. passed in the Second and Third Year of the Reign of His present Majesty King *William* the Fourth, intituled *An Act to amend the Laws relating to the Customs*; and the said several Acts and Parts of Acts before mentioned, recited, and set forth, so far as the same shall be in force at the Commencement of this Act, are hereby accordingly repealed, except so far as the said Acts or any of them, or any thing therein contained, repeal any former Act or Acts or any Part thereof; and all and every which said Act or Acts, or the Parts thereof so repealed, shall remain and continue repealed to all Intents and Purposes whatsoever; and except so far as relates to any Arrears or Drawbacks which shall have become due and payable, or any Penalty or Forfeiture which shall have been incurred.

except as they
repeal former
Acts; and
except as to
Drawbacks, &c.
now due.

All Acts relat-
ing to Revenue
of Customs,
Navigation, or
Smuggling re-
pealed, except
as herein ex-
cepted.

18 G. 3. c. 12.

III. And in order that no Doubt should remain whether any, or what if any, former Act or Acts relating in any way to the Customs continue in force, be it further enacted, That all Acts and Parts of Acts relating to the Revenue of Customs, to Navigation, or to the Prevention of Smuggling, in any Part of the *British* Dominions, so far as the same shall be in force at the Commencement of this Act, shall be and the same are hereby repealed, save and except such Acts and Parts of Acts as are herein-after mentioned and described; that is to say, an Act passed in the Eighteenth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for removing all Doubts and Apprehensions concerning Taxation by the Parliament of Great Britain in any of the Colonies, Provinces, and Plantations in North America and the West Indies; and for repealing so much of an Act made in the Seventh Year of the Reign of His late Majesty as imposes a Duty on Tea imported from Great Britain into any Colony or Plantation in America as relates thereto*; and also so much of any Act or Acts, or the Part of any Act or Acts, now in force, which was or were passed prior to the last mentioned Act, and by which any Duties in any of the *British* Possessions in *America* were granted and still continue payable to the Crown, as relates to the Collection and Appropriation of such Duties, except as herein-after excepted; and also an Act passed in the Thirty-first Year of the Reign of His Majesty King *George* the Third, intituled *An Act to repeal certain Parts of an Act passed in the Fourteenth Year of His Majesty's Reign, intituled 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America,' and to make further Provisions for the Government of the said Province*; and also an Act passed in the Fifty-first Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for carrying into effect the Provisions of a Treaty of Amity, Commerce, and Navigation concluded between His Majesty and His Royal Highness the Prince Regent of Portugal*; and also an Act passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to carry into effect a Convention of Commerce concluded between His Majesty and the United States of America, and a Treaty with the Prince Regent of Portugal*; and also an Act passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to prevent the Enlisting or Engagement of His Majesty's Subjects to serve in Foreign Service, and the fitting out or equipping in His Majesty's Dominions Vessels for warlike Purposes, without His Majesty's Licence*; and also an Act passed in the

31 G. 3. c. 31.

51 G. 3. c. 47.

59 G. 3. c. 54.

59 G. 3. c. 69.

the Fourth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to authorize His Majesty, under certain Circumstances, to regulate the Duties and Drawbacks on Goods imported or exported in Foreign Vessels, and to exempt certain Foreign Vessels from Pilotage*, as the said Act is amended by an Act passed in the Fifth Year of the Reign of His present Majesty for that Purpose; and also an Act passed in the Thirty-seventh Year of the Reign of His Majesty King George the Third, intituled *An Act for regulating the Trade to be carried on with the British Possessions in India by the Ships of Nations in amity with His Majesty*; and also an Act passed in the Fourth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to consolidate and amend the several Laws now in force with respect to Trade from and to Places within the Limits of the Charter of the East India Company, and so much further Provisions with respect to such Trade; and to amend an Act of the present Session of Parliament, for the registering of Vessels, so far as relates to Vessels registered in India*; and also an Act passed in the Fourth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for regulating Vessels carrying Passengers between Great Britain and Ireland*; and also an Act passed in the Fifty-fifth Year of the Reign of His Majesty King George the Third, intituled *An Act to repeal the Provisions of former Acts granting exclusive Privileges of Trade to the South Sea Company, and the indemnifying the said Company for the Loss of such Privileges*; and also another Act passed in the said Fifty-fifth Year of the Reign of King George the Third, made for amending the said last-mentioned Act; and also an Act passed in the Fifth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to amend the several Acts for the Encouragement and Improvement of the British and Irish Fisheries*; and all other Acts and Parts of Acts relating to the said Fisheries which were in force upon the said Fifth Day of January One thousand eight hundred and twenty-six; and also an Act passed in the Sixth and Seventh Year of the Reign of King William the Third, and another Act passed in the Fifteenth Year of the Reign of His late Majesty King George the Third, and another Act passed in the Thirty-first Year of the Reign of His said Majesty, which several Acts relate to certain Keel Boats and Carriages, and for loading Coals on board Ships; and also an Act passed in the Sixth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to repeal the several Laws relating to the Performance of Quarantine, and to make other Provisions in lieu thereof*; and also an Act passed in the Forty-third Year of His late Majesty King George the Third, intituled *An Act for the better securing the Freedom of Elections of Members to serve in Parliament for any Place in Ireland, by disabling certain Officers employed in the Collection or Management of His Majesty's Revenues in Ireland from giving their Votes at such Elections*; and also an Act passed in the Fourth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for regulating the Number of Apprentices to be taken on board British Merchant Vessels, and for preventing the Desertion of Seamen therefrom*, and which Act it is hereby declared and enacted doth and shall extend to Ireland; and also an Act made in the Parliament of Ireland in the Twenty-first and Twenty-second Years of the

4 G. 4. c. 77.

5 G. 4. c. 1.

37 G. 3. c. 117.

4 G. 4. c. 80.

4 G. 4. c. 88.

55 G. 3. c. 57.

55 G. 3. c. 141.

5 G. 4. c. 64.

6 & 7 W. 3. c. 10.

15 G. 3. c. 27.

31 G. 3. c. 36.

6 G. 4. c. 78.

43 G. 3. c. 25.

4 G. 4. c. 25.

21 & 22 G. 3.
(1.)

Reign of His late Majesty King ~~George the~~ Third, for the Improvement of the City of *Dublin* by making wide and convenient Passages through the same, and for regulating the Coal Trade thereof, and any Act or Acts for amending or continuing the same; and also save and except all such Acts and Parts of Acts as relate to the maintaining or improving of any Harbours, Havens, Ports, Rivers, Piers, Lighthouses, Docks, Canals, Basins, or Warehouses; and also all Acts and Parts of Acts which are of a local or personal Nature, not being Public General Acts, although declared public; and also all Acts and Parts of Acts whereby any Duties are made applicable to any particular Purpose, or for the Use or Benefit of any particular Person or Persons, or Body or Bodies Corporate or Politic, or of any Society or Company; and also all Acts whereby any Drawback of Duty is granted in respect of Materials used in building of Churches and Chapels; and also all Acts and Parts of Acts relating to the Excise, so far only as the Provisions of any such Acts might and are to be put in force by the Commissioners of the Excise or their Officers in the United Kingdom, or by the Commissioners of Customs or their Officers in *Ireland*; and also so much of an Act passed in the Seventh Year of the Reign of His late Majesty King *George the Fourth*, intituled *An Act to regulate the Importation of Silk Goods until the Tenth Day of October One thousand eight hundred and twenty-eight, and to encourage the Silk Manufactures by the Repeal of certain Duties*, as relates to the Revenue of Excise; and also an Act passed in the Seventh Year of the Reign of His late Majesty King *George the Fourth*, intituled *An Act for Registration of Aliens*; and also an Act passed in the Ninth Year of the Reign of His late Majesty King *George the Fourth*, intituled *An Act to repeal the Stamp Duties on Cards and Dice made in the United Kingdom, and to grant other Duties in lieu thereof; and to amend and consolidate the Acts relating to such Cards and Dice, and the Importation thereof*; and also an Act passed in the Ninth Year of the Reign of His late Majesty King *George the Fourth*, intituled *An Act to regulate the Carriage of Passengers in Merchants Vessels from the United Kingdom to the Continent and Islands of North America*; and also an Act passed in the Ninth Year of the Reign of His late Majesty King *George the Fourth*, intituled *An Act to provide for the Execution throughout the United Kingdom of the several Laws of Excise relating to Licences and Survey on Tea, Coffee, Cocoa, Pepper, Tobacco, Snuff, Foreign and Colonial Spirits and Wine, notwithstanding the Transfer to the Customs of the Import Duties on any of such Commodities*; and also an Act passed in the Ninth Year of the Reign of His late Majesty King *George the Fourth*, intituled *An Act to amend the Laws relating to the Importation of Corn*; and also so much of an Act passed in the Ninth Year of the Reign of His late Majesty King *George the Fourth*, intituled *An Act to allow Sugar to be delivered out of Warehouse to be refined*, as relates to the ascertaining and publishing of the average Price of Sugar; and also an Act passed in the First Year of the Reign of His present Majesty King *William the Fourth*, intituled *An Act to regulate for One Year the Importation of Arms, Gunpowder, and Ammunition into Ireland, and the making, removing, selling, and keeping of Arms, Gunpowder, and Ammunition in Ireland*; and also an Act passed in the First Year of the Reign of

7 G. 4. c. 53.

7 G. 4. c. 54.

9 G. 4. c. 18.

9 G. 4. c. 21.

9 G. 4. c. 44.

9 G. 4. c. 60.

9 G. 4. c. 93.

1 W. 4. c. 44.

of His present Majesty King *William* the Fourth, intituled *An Act to subject to Duties of Customs Goods the Property of the Crown, in case of Sale after Importation*; and also so much of an Act passed in the First and Second Year of the Reign of His present Majesty King *William* the Fourth, intituled *An Act to abolish certain Oaths and Affirmations taken and made in the Customs and Excise Departments of His Majesty's Revenue, and to substitute Declarations in lieu thereof*, as relates to the Department of Excise; and also an Act passed in the First and Second Year of the Reign of His present Majesty King *William* the Fourth, intituled *An Act to repeal an Act of the Nineteenth Year of King George the Third, for repealing so much of several Acts as prohibit the Growth and Produce of Tobacco in Ireland, and to permit the Importation of Tobacco of the Growth and Produce of that Kingdom into Great Britain*; and also an Act passed in the Second and Third Year of the Reign of His present Majesty King *William* the Fourth, intituled *An Act to continue for One Year, and from thence to the End of the then next Session of Parliament, several Acts relating to the Importation and keeping of Arms and Gunpowder in Ireland*; and also an Act passed in the Second and Third Year of the Reign of His present Majesty King *William* the Fourth, intituled *An Act to authorize the Lords Commissioners of His Majesty's Treasury to grant Compensation to the Inspectors and Coal Meters of the City of Dublin, and to impose a Rate upon Coals imported into the Port of Dublin, to provide a Fund for such Compensation*; all which said several Acts and Parts of Acts so saved and excepted shall continue in such Force and Effect as they would have been if this Act had not been passed, except as herein-after excepted.

IV. Provided always, and be it further enacted, That from and after the First Day of *January* One thousand eight hundred and thirty-four so much of an Act passed in the Sixth Year of the Reign of King *George* the Third, intituled *An Act for repealing certain Duties in the British Colonies and Plantations granted by several Acts of Parliament, and also the Duties imposed by an Act made in the last Session of Parliament upon certain East India Goods exported from Great Britain, and for granting other Duties instead thereof; and for further encouraging, regulating, and securing several Branches of the Trade of this Kingdom and the British Dominions in America, as imposes a Duty on Coffee the Growth or Produce of any British Colony or Plantation in America on Importation thereof into any other such Colony or Plantation*; and so much of another Act passed in the Fourteenth Year of the same Reign, intituled *An Act to establish a Fund towards further defraying the Charges of the Administration of Justice and Support of the Civil Government within the Province of Quebec in America, as imposes any Duties on Molasses and Syrups imported or brought into Canada, shall be and the same are hereby repealed, any thing in this Act or in any other Act or Acts to the contrary notwithstanding.*

V. Provided also, and be it enacted, That nothing in this Act shall extend to prevent any Foreign Seaman who shall have been employed in navigating any Vessel in the Southern Whale Fishery under the Authority of an Act passed in the Thirty-fifth Year of the Reign of King *George* the Third, intituled *An Act for further encouraging*

1 W. 4. c. 45.

1 & 2 W. 4. c. 4.

1 & 2 W. 4. c. 13.

2 & 3 W. 4. c. 70.

2 & 3 W. 4. c. 90.

So much of
6 G. 3. c. 52.
as imposes a
Duty on Co-
lonial Coffee on
Importation
into other Co-
lonies; and so
much of
14 G. 3. c. 88.
as imposes a
Duty on Mo-
lasses or Syrups
imported into
Canada, re-
pealed.

Act not to affect
Seamen en-
gaged in South-
ern Whale
Fishery.
35 G. 3. c. 92.

7 G. 4. c. 48.

encouraging and regulating the Southern Whale Fisheries, or of an Act passed in the Seventh Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to alter and amend the several Laws relating to the Customs*, from continuing in such Employment, with the Rights and Privileges of *British Seamen*, during their natural Lives.

Act may be altered this Session.

VI. And be it further enacted, That this Act may be altered, varied, or repealed by any Act to be passed in this present Session of Parliament.

CAP. LI.

An Act for the Management of the Customs.

[28th August 1833.]

586 Bc 4702
repealed by 58 G. 4. c. 54
see 58 G. 4. c. 55

6 G. 4. c. 106.

‘ WHEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for the Management of the Customs*, whereby the Laws in relation to the Management of the Customs were consolidated and amended: And whereas since the passing of the said Act divers Acts for the further Amendment of the Law have been found necessary, and it will be of advantage to the Trade and Commerce of the Country that the said Acts should be consolidated into One Act:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That this Act shall commence upon the First Day of *September* One thousand eight hundred and thirty-three, except where any other Commencement is herein particularly directed.

Commencement of Act.

Board of Customs appointed by Treasury.

II. And be it further enacted, That it shall be lawful for His Majesty from Time to Time to appoint, under the Great Seal of the United Kingdom, any Number of Persons not exceeding Thirteen to be Commissioners of His Majesty’s Customs for the Collection and for the Management of the Customs in and throughout the whole of the United Kingdom, and of any of His Majesty’s Possessions Abroad; and that each of such Commissioners, when so appointed, shall have and hold his Office during His Majesty’s Pleasure.

Commissioners subject to the Control of the Treasury.

III. And be it further enacted, That the said Commissioners so appointed or to be appointed by His Majesty shall, in all Matters and Things relating to the Execution of their Duties, be subject to the Authority, Directions, and Control of the Commissioners of His Majesty’s Treasury, and shall obey such Orders and Instructions as shall from Time to Time be issued to them by the said Commissioners of His Majesty’s Treasury under the Hands of Three or more of them.

Orders under the Hands of Commissioners.

IV. And be it further enacted, That every Order, Document, Instrument, or Writing, not being for the Payment of Money, required by any Law at any Time in force to be under the Hands or under the Hands and Seals of the Commissioners of His Majesty’s Customs, being attested by the Hands or the Hands and Seals of Two or more of such Commissioners, and every such Order for the Payment of Money being attested by the Signatures of Three or more of such Commissioners, shall be deemed to be an Order, Document, Instrument, or Writing under the Hands or under the Hands

Hands and Seals, as the Case may be, of the Commissioners of His Majesty's Customs accordingly.

V. And be it further enacted, That any Appointment of Commissioners of His Majesty's Customs in force at the Time of the Commencement of this Act shall continue in force as if the same had been afterwards made under and by virtue of the Authority of this Act.

Previous Appointments to remain in force.

VI. And be it further enacted, That it shall be lawful for the said Commissioners of His Majesty's Treasury, or for the Commissioners of His Majesty's Customs under the Authority of the said Commissioners of His Majesty's Treasury, to appoint proper Persons to execute the Duties of the several Offices necessary to the due Management and Collection of the Customs and all Matters connected therewith, under the Control and Direction of the Commissioners of His Majesty's Customs, granting or allowing to such Persons such Salaries or other Allowances, or permitting such Emoluments, for the Labour and Responsibility in executing the Duties of their respective Offices or Employments, and requiring of such Persons such Securities for their good Conduct therein, as the said Commissioners of His Majesty's Treasury shall deem to be reasonable and necessary; and such Persons shall hold their Offices during the Will and Pleasure of the said Commissioners of His Majesty's Treasury, or of the Commissioners of His Majesty's Customs, in such Cases and in such Manner as the said Commissioners of His Majesty's Treasury shall direct.

Appointment of necessary Officers of Customs.

Salaries and Allowances and Securities.

VII. And be it further enacted, That every Person employed on any Duty or Service relating to the Customs by the Orders or with the Concurrence of the Commissioners of His Majesty's Customs (whether previously or subsequently expressed) shall be deemed to be the Officer of the Customs for that Duty or Service; and that every Act, Matter, or Thing required by any Law at any Time in force to be done or performed by, to, or with any particular Officer nominated in such Law for such Purpose, being done or performed by, to, or with any Person appointed by the Commissioners of His Majesty's Customs to act for or in behalf of such particular Officer, the same shall be deemed to be done or performed by, to, or with such particular Officer; and that every Act, Matter, or Thing required by any Law at any Time in force to be done or performed at any particular Place within any Port, being done or performed at any Place within such Port appointed by the Commissioners of His Majesty's Customs for such Purpose, the same shall be deemed to be done or performed at the particular Place so required by Law.

Persons employed by Customs deemed Officers for such Service.

Duties of Officers performed by Persons and at Places appointed by Commissioners.

VIII. And be it further enacted, That if any Officer, Clerk, or other Person acting in any Office or Employment in or belonging to the Customs, under the Control and Direction of the Commissioners of the Customs, in any Part of His Majesty's Dominions, shall take or receive any Fee, Perquisite, Gratuity, or Reward, whether pecuniary or of any other Sort or Description whatever, directly or indirectly, from any Person (not being a Person duly appointed to some Office in the Customs), on account of any thing done or to be done by him in or in any way relating to his said Office or Employment, except such as he shall receive under any Order or Permission of the said Commissioners of His Majesty's

Officers taking any Fee or Reward not allowed shall be dismissed.

Penalty 100*l.*
for offering Fee.

Treasury, every such Officer so offending shall, on Proof thereof to the Commissioners of His Majesty's Customs, be dismissed from his Office; and if any Person (not being a Person duly appointed to some Office in the Customs) shall give, offer, or promise to give any such Fee, Perquisite, Gratuity, or Reward, such Person shall for every such Offence forfeit the Sum of One hundred Pounds: Provided always, that it shall be lawful for the Receiver of any Duties of Customs to receive for his own Use, if freely given, so much as, added to any Fraction below Sixpence, shall make the same amount to Sixpence.

Previous Ap-
pointments and
Securities to
remain in force.

IX. And be it further enacted, That all Commissions, Deputations, and Appointments granted to any Officers of the Customs in force at the Time of the Commencement of this Act shall continue in force as if the same had been afterwards granted under and by virtue of the Authority of this Act, and that all Bonds which shall have been given by any such Officers and their respective Sureties for good Conduct or otherwise shall remain in full Force and Effect.

Oath of Office.

X. And be it further enacted, That every Person who shall be appointed to any Office or Employment in the Service of the Customs under the Control and Direction of the Commissioners of the Customs in any Part of His Majesty's Dominions shall, at their respective Admissions thereto, take the following Oath; (that is to say,)

' I *A. B.* do swear to be true and faithful in the Execution, to the best of my Knowledge and Power, of the Trust committed to my Charge and Inspection in the Service of His Majesty's Customs; and that I will not require, take, or receive any Fee, Perquisite, Gratuity, or Reward, whether pecuniary or of any Sort or Description whatever, either directly or indirectly, for any Service, Act, Duty, Matter, or Thing done or performed or to be done or performed, in the Execution or Discharge of any of the Duties of my Office or Employment, on any Account whatever, other than my Salary, and what is or shall be allowed me by Law, or by any special Order of the Commissioners of His Majesty's Treasury or the Commissioners of His Majesty's Customs for the Time being. So help me GOD.'

Hours of At-
tendance, and
Division of Ser-
vice in those
Hours.

XI. And be it further enacted, That it shall be lawful for the said Commissioners of His Majesty's Treasury by their Warrant from Time to Time to appoint the Hours of general Attendance of the Commissioners and respective Officers of the Customs, and other Persons in the Service of the Customs, at their proper Offices and Places of Employment, and that it shall be lawful for the Commissioners of His Majesty's Customs to appoint the Times during such Hours at which any particular Parts of the Duties of such Officers and other Persons respectively shall be performed by them.

Officers of Cus-
toms not liable
to serve paro-
chial and other
local Offices.

XII. And be it further enacted, That no Commissioner of Customs, nor any Officer of Customs, or Person employed in the Collection or Management of or accounting for the Revenue of Customs or any Part thereof, nor any Clerk or other Person acting under them, shall, during the Time of his acting as such Commissioner or as such Officer, or of his being so employed as aforesaid, or of his acting as such Clerk or other Person as aforesaid, as the

Case

Case may be, be compelled to serve as a Mayor or Sheriff, or in any Corporate or Parochial or other public Office or Employment, or to serve on any Jury or Inquest, or in the Militia, any Law, Usage, or Custom to the contrary thereof notwithstanding.

XIII. And be it further enacted, That no Day shall be kept as a public Holiday by the Customs except *Christmas Day* and *Good Friday* in every Year, and any Days appointed by His Majesty's Proclamation for the Purpose of a General Fast, or of a General Thanksgiving, and also, so far as regards *Scotland*, any Days appointed for such Purposes by Authority of the General Assembly, and also such Days as shall have been appointed for the Celebration of the Birthdays of Their Majesties and of Their Successors, and that such Days shall be kept as public Holidays by the Officers and Servants of the Dock Companies in the United Kingdom. Holidays.

XIV. And be it further enacted, That the Collector of the Customs in the Port of *London* shall pay into the Hands of the Receiver General of the Customs the whole of the Monies which he shall receive on account of the Duties of Customs on the Day on which he shall receive the same, or as near the whole as may be, save and except such Sum or Sums of Money as shall from Time to Time, by virtue of the special Order of the Commissioners of His Majesty's Customs, be directed to be deducted, paid, or allowed therefrom. Collector in London to pay Duties daily to Receiver General.

XV. And be it further enacted, That every Sum of Money which shall be due in the Port of *London* upon any Debenture, Certificate, or other Instrument or Document whatever, for the Payment of any Money out of the Duties of Customs, shall be paid by the Receiver General of the Customs out of any Money in his Hands arising from the Duties of Customs, and every such Payment shall be allowed by the Commissioners for the better examining and auditing the Public Accounts of this Kingdom in the settling or auditing of the Accounts of the Receiver General of the Customs; and when any such Payment shall become due at any other Port in the United Kingdom, the same may be paid by the Collector at such Port, the Controller being duly apprized thereof, out of any of the Monies in his Hands arising from the Duties of Customs, and under such Directions and Instructions for the due Execution of their Offices as shall from Time to Time be given to them by the Commissioners of the Customs. In London Debentures and Orders to be paid by Receiver General.

XVI. And be it further enacted, That it shall be lawful for the Commissioners of His Majesty's Customs finally to settle and close the Accounts of any Collectors or Receivers of any Part of the Revenue of the Customs or other Duties under their Management, notwithstanding any erroneous Appropriation of any Duties of Customs received by such Collectors or Receivers; and the said Commissioners are hereby empowered to correct such Appropriation, in order to prevent the Accounts of any such Collectors or Receivers from being kept open; and all such Corrections shall be allowed by the Commissioners for auditing the Public Accounts in the passing the general Accounts of Customs, Subsidies, or Impositions. Payment at Out-ports by Collector.

XVII. And be it further enacted, That it shall be lawful for the Commissioners of His Majesty's Customs to authorize the proper Officers Commissioners of Customs may direct the Sums

herein men-
tioned to be
paid on passing
Entries.

Officers to demand, on passing of every Entry, the Sum of One Shilling; and upon the issuing of any Cocket, if such Cocket be,

For <i>British</i> Goods, the Sum of	-	-	£	s.	d.
Or if such Cocket be for Foreign Goods, or			0	1	6
for Foreign Wines and Spirits contained in			}	0	2 6
Glass, the Sum of	-	-			

And that the Officers of His Majesty's Customs shall be authorized to refuse to pass any such Entry or to grant any such Cocket until such Charges shall be paid: Provided always, that all such Charges shall be carried and applied towards any Superannuation Fund for the Officers of the Customs, or applied, reduced, or abolished as the Commissioners of His Majesty's Treasury may from Time to Time, by Warrant under their Hands or the Hands of any Two or more of them, be pleased to direct.

Application
thereof,

Salaries not
subject to Duties.

XVIII. And be it further enacted, That all Salaries, Allowances, or Compensations granted or allowed to any Officer, Clerk, or other Person in the Service of the Customs shall be paid without any Abatement or Deduction on account of any Duties imposed by any Act of Parliament, unless expressly charged thereon.

All Monies
received by Re-
ceiver General
of Customs in
England shall
be paid into the
Bank of Eng-
land.

XIX. ' And whereas it is expedient that Regulations should be established by Law in the Office of the Receiver General of the Customs in *England* for depositing in the Bank of *England* all the Monies, Bills, Drafts, and Notes received by such Receiver General on account of the Revenue under the Management of the Commissioners of Customs, except as herein-after mentioned, until the same shall be paid into the Exchequer; ' be it therefore enacted, That all Monies, Bills, Notes, and Drafts received by or coming to the Hands of the Receiver General of the Customs in *England* on account of the Revenue of Customs in *Great Britain* shall be paid by him into the Hands of the Governor and Company of the Bank of *England*; (that is to say,) such Monies and Notes, and such of the Bills and Drafts as shall be already accepted, or shall not require Acceptance (having been first duly endorsed), shall be paid as aforesaid on the Day on which the same shall have been received, and such of the Bills and Drafts as shall require Acceptance, and be not already accepted when received, (the same having been first duly endorsed where necessary,) within Three Days after the same shall have been accepted, for which Monies, Bills, Notes, and Drafts the Entry in the Book herein-after mentioned shall be a sufficient Discharge; and all such Monies, Bills, Notes, and Drafts so to be paid to the Governor and Company of the Bank of *England* shall be placed to an Account to be raised in the Books of the said Governor and Company, and to be intituled " The Account of the Public Monies of the Receiver General of Customs," inserting the Name of such Receiver General for the Time being.

Money for
ordinary Pay-
ments may be
retained.

XX. Provided nevertheless, and be it further enacted, That it shall be lawful for such Receiver General to retain and keep in his own Hands, for the Payment of casual and ordinary and daily Demands, out of the Monies so received by him as such Receiver General, a Sum not exceeding One thousand Pounds at the Close of each Day, and also any further Sum which he shall be directed to retain by the said Commissioners, not exceeding Four thousand Pounds, and also any further Sum, with the Permission in Writing

of any Three or more of the said Commissioners of His Majesty's Treasury.

XXI. And be it further enacted, That the Governor and Company of the Bank of *England*, or some Person duly authorized in that Behalf, shall daily, upon receiving any Money, Bills, Notes, or Drafts from such Receiver General of the Customs, make an Entry of the Money, Bills, Notes, and Drafts so received in a Book to be provided by the Governor and Company of the Bank of *England*, which Book shall be forthwith re-delivered to the Persons making the Payments for the Customs, and inspected daily after its Return by the Controller General of the Customs or his Clerk, (such Clerk being first duly authorized by him, and for whose Conduct he shall be answerable,) who shall compare the same with the Account of Monies, Bills, Notes, and Drafts received by the said Receiver General, for the Purpose of ascertaining that the Receiver General constantly pays into the Bank all the Money, Bills, Notes, and Drafts which he ought to do under the Provisions of this Act; and any Default which such Controller General or his Clerk may discover in that Behalf shall be immediately reported by him to the said Commissioners of His Majesty's Customs, who shall report the same, unless it shall appear to them to have happened by Mistake or Inadvertence to the said Commissioners of His Majesty's Treasury.

Bank to keep an Account, to be returned to the Customs for Inspection.

XXII. And be it further enacted, That the Monies placed to the Account of the Receiver General as aforesaid in the Bank of *England* shall be paid into the Exchequer from Time to Time as by Law is directed in manner following; (that is to say,) the Receiver General, or his Clerk duly authorized by him for that Purpose, and for whose Conduct therein he shall be answerable, shall make an Order weekly upon the Governor and Company of the Bank of *England*, which Order shall be countersigned by the Controller General or his Clerk, to write off from his Account the Sum specified; and the said Governor and Company, or some Person duly authorized on their Behalf, shall thereupon write off such Sum, and deliver a Note, drawn and cancelled in such Manner as shall be approved by the said Commissioners of His Majesty's Treasury, for the Amount, to the Receiver General or his Clerk, who shall pay the same into the Exchequer, and the Bank Clerks attending there shall receive it as so much Cash; and it shall not be lawful for the Governor and Company of the Bank of *England* to pay or transfer any Part of the Money so paid in and placed to the Account of such Receiver General from such Account otherwise than into the Exchequer in manner aforesaid, and except in the Manner herein-after directed, or to deliver any Note or Notes, Bill or Bills of Exchange, save and except to the Solicitor of the Customs or his Clerk, upon his Application for the same, together with the Receiver General or his Clerk and the Controller General or his Clerk, for the sole Purpose of taking out an Extent for the Security of the Money for which such Bill of Exchange or Draft shall have been given, or to the said Receiver General or his Clerk, any Bills, Notes, or Drafts which may be protested for Nonpayment, except as herein-after is mentioned, in which Case the Commissioners of His Majesty's Customs shall be immediately acquainted therewith, if sitting, by such Solicitor, Receiver General,

Money carried to the Exchequer to be written off at the Bank.

or Controller General, or, if not sitting, at the Time of their assembling; and such Delivery shall be entered by the Bank in the Book to be kept as is herein directed.

Receiver General may draw on the Bank to pay Drawbacks, &c.

XXIII. And be it further enacted, That in order that the several Payments directed by Order of the Commissioners of His Majesty's Customs to be made by the said Receiver General to Merchants or any other Persons on account of Drawbacks or Bounties, or on any other Account whatever, may be made without Delay, and for the Payment of which the Money then in the Hands of the said Receiver General shall be insufficient, it shall be lawful for the said Receiver General, or his Clerk deputed and authorized by him for that Purpose, and for whose Conduct therein he shall be answerable, to draw out of the Bank of *England*, as Occasion may require, such Sum or Sums of Money as may be sufficient to answer the Purpose aforesaid; and that every Draft or Order on the Bank for Money for any of the said Purposes shall be countersigned by the Controller General, or his Clerk to be deputed and authorized by him for that Purpose, and for whose Conduct therein he shall be answerable; and that the said Receiver General shall from Time to Time account for the Monies so to be drawn by him or his Clerk out of the Bank.

Drafts to be countersigned by Controller General.

Officers of the Exchequer to be furnished with Appropriation Paper.

XXIV. And in order that separate Accounts may be kept at the Exchequer of the Monies paid in on various Branches of the Customs pursuant to Law, be it further enacted, That the said Receiver General of the Customs shall on every *Monday* Morning furnish the proper Officers of the Exchequer with an Appropriation Paper, stating the Heads under which the Receipts of the preceding Week are to be applied.

On the Death or Removal of Receiver General, the Balance to vest in his Successor.

XXV. And be it further enacted, That upon the Death, Resignation, or Removal of the present and of every other Receiver General of the Customs hereafter to be appointed, the Balance of Cash for which he shall at that Time have Credit on his Account as such Receiver General with the Governor and Company of the Bank of *England* shall, as soon as a Successor shall be appointed to the said Office, actually vest in such Successor, and until such Successor shall be appointed in such Person or Persons as shall for the Time being be duly authorized to execute the Duties of the said Office, in Trust for the Service of the Public, and be forthwith transferred, carried over, and placed to the Account of such Successor, or other Person or Persons as aforesaid, to be applied to the said Service in pursuance of the like Drafts and Orders as aforesaid.

Receiver General to keep Account.

XXVI. And be it further enacted, That the Receiver General of the Customs for the Time being shall keep the Account with the Bank of all Monies issued by and paid to the Bank on his Account for the Service of the Public; and the said Receiver General, observing the Rules and Regulations hereby prescribed, shall not be answerable for any Money, Bills, Notes, and Drafts which he shall have so paid or caused to be paid into the Bank of *England*; and the Governor and Company of the Bank of *England* shall be answerable for all the Monies, Bills, Notes, and Drafts which shall be actually received by them from and on account of such Receiver General as aforesaid, except such Bills as may have been returned in manner aforesaid.

XXVII. And be it further enacted, That if any Person or Persons shall knowingly and wilfully forge or counterfeit, or cause or procure to be forged or counterfeited, or knowingly and wilfully act or assist in forging or counterfeiting, the Name or Hand-writing of any Receiver General of the Customs, or of any Controller General of the Customs, or of any Person acting for them respectively as aforesaid, to any Draft, Instrument, or Writing whatsoever, for or in order to the receiving or obtaining any of the Money in the Hands or Custody of the Governor and Company of the Bank of *England*, on account of the Receiver General of the Customs; or shall forge or counterfeit, or cause or procure to be forged or counterfeited, or knowingly and wilfully act or assist in the forging or counterfeiting, any Draft, Instrument, or Writing in Form of a Draft made by such Receiver General or Person as aforesaid; or shall utter or publish any such, knowing the same to be forged or counterfeited, with an Intention to defraud any Person whomsoever; every such Person or Persons so offending, being thereof lawfully convicted, shall be and is and are hereby declared and adjudged to be guilty of Felony, and shall be transported beyond the Seas for Life.

Punishment for Forgery on Receiver General, Transportation for Life.

XXVIII. And be it further enacted, That in all Cases wherein Proof on Oath shall be required by any Law, or shall be necessary for the Satisfaction or Consideration of the Commissioners of His Majesty's Customs, in any Matter relating to any Business under their Management, the same may be made before the Collector or Controller of the Customs at the Port where such Proof shall be required to be made, or before the Persons acting for them respectively, and who are hereby authorized and empowered to administer the same.

Collectors, &c. authorized to administer Oaths.

XXIX. And be it further enacted, That upon Examinations and Inquiries made by any Surveyor General of the Customs, or any Inspector General of the Customs, for ascertaining the Truth of Facts relative to the Customs, or the Conduct of Officers or Persons employed therein, and upon the like Examinations and Inquiries made by the Collector and Controller of any Out-port in the United Kingdom, or of any Port in the *Isle of Man*, or made, by any Person or Persons in any of the *British Possessions Abroad* appointed by the Commissioners of His Majesty's Customs to make such Examinations and Inquiries, any Person examined before him or them as a Witness shall deliver his Testimony on Oath, to be administered by such of the Surveyors General, or such of the Inspectors General, or such Collector and Controller, or such Person or Persons as shall examine him, and who are hereby authorized to administer such Oath; and if such Person shall be convicted of making a false Oath touching any of the Facts so testified on Oath, or of giving false Evidence on his Examination on Oath, before any of the Surveyors General or Inspectors General of the Customs, or such Collector and Controller, or such Person or Persons, in conformity to the Directions of this Act, every such Person so convicted as aforesaid shall be deemed guilty of Perjury, and shall be liable to the Pains and Penalties to which Persons are liable for wilful and corrupt Perjury.

Surveyors General, &c. may examine Witnesses on Oath.

*extended to
Revenue Services by
6 & 7 Vc 54 & 2*

False Oath deemed Perjury

XXX. And be it further enacted, That all Manors, Messuages, Buildings, Lands, Tenements, and Hereditaments which have here-

Lands and Buildings already taken for

the Service of His Majesty's Customs to be vested in the Secretary of the Customs for the Time being ;

tofore been purchased, acquired, or taken for the Use and Service of His Majesty's Customs, together with the Rights, Members, Easements, and Appurtenances to the same respectively belonging, (other than and except such Messuages, Lands, Tenements, and Hereditaments as may be of Copyhold Tenure,) shall be and be come and remain and continue vested in the Secretary for the Time being to the Commissioners of His Majesty's Customs, and respective Successors as Secretaries in such Service, according to the respective Nature and Quality of the said Manors, Messuages, Buildings, Lands, Tenements, and Hereditaments, and the several Estates and Interests of and in the same respectively, in Trust for His Majesty, His Heirs and Successors, for the Use and Service of His Majesty's Customs in the said United Kingdom.

and all Lands, &c. to be hereafter purchased for the Use of the Customs.

XXXI. And be it further enacted, That all other Manors, Messuages, Buildings, Lands, Tenements, and Hereditaments (other than and except as aforesaid) which shall at any Time or Times hereafter be purchased for the Use and Service of His Majesty's Customs, with the Rights, Members, Easements, and Appurtenances to the same respectively belonging, shall in like Manner be and become and remain and continue vested in the Secretary for the Time being to the said Commissioners and his Successors, as Secretaries in such Service, according to the respective Nature and Quality of the said Manors, Messuages, Buildings, Lands, Tenements, and Hereditaments, and the several Estates and Interests of and in the same respectively, in Trust as aforesaid.

Secretary, under Authority of Commissioners, may sell or let Lands vested in them.

XXXII. And be it further enacted, That it shall and may be lawful for the said Secretary for the Time being, by and under the Authority and Direction of the said Commissioners (testified by Writing under their Hands and Seals), to sell, exchange, or in any Manner dispose of, or to let, set, or demise, as well any of the Freehold and Leasehold Manors, Messuages, Buildings, Lands, Tenements, and Hereditaments respectively which shall for the Time being be vested in them respectively under and by virtue of this present Act, with their respective Appurtenances, as also any of the Copyhold Messuages, Buildings, Lands, Tenements, and Hereditaments which shall have been surrendered to and vested in any Person or Persons, and his, her, or their Heirs and Assigns, in Trust for His said Majesty or any of His Predecessors, His or Their Heirs or Successors, for the Use and Service of His Majesty's Customs in the said United Kingdom, or any of them, either by public Auction or private Contract; and as to the said Freehold and Leasehold Manors, Messuages, Lands, Tenements, and Hereditaments, that it shall and may be lawful to and for the said Secretary for the Time being, and as to the said Copyhold Messuages, Lands, Tenements, and Hereditaments, that it shall and may be lawful to and for the said Person or Persons in whom the same shall be vested as aforesaid, in due Form of Law, to convey, surrender, assign, make over, or to grant or demise the same respectively, or any of them, as the Case may require, to any Person or Persons who shall be willing to purchase or take the same respectively, and also to carry into execution any Contract or Contracts already entered into for the Sale of any such Freehold, Copyhold, or Leasehold Messuages, Lands, Tenements, or Hereditaments as aforesaid, with such Alterations or Variations as the said Commissioners

sioners for the Time being, or any Two or more of them, shall by Writing under their Hands direct, and for that Purpose to make and execute all such Conveyances, Assurances, and Agreements as may be thought proper; and also to do any other Act, Matter, or Thing in relation to any such Manors, Messuages, Buildings, Lands, Tenements, and Hereditaments which shall by the said Commissioners be deemed beneficial for the Public Service in relation thereof, or for the better Management thereof, and which might be done by any Person or Persons having a like Interest in any such Manors, Messuages, Lands, Tenements, or Hereditaments.

XXXIII. And be it further enacted, That the Monies to arise and be produced by Sales or Exchange of any of the said Manors, Messuages, Lands, Tenements, or Hereditaments which shall be sold or exchanged or conveyed under the Provisions of this present Act, including the Monies already paid by way of Deposit for the Purchase of any Hereditaments already contracted to be sold, and the Residue of the Monies to be received in respect or on account of such Contract, shall be paid by the respective Purchaser or Purchasers thereof, or the Person or Persons making such Exchange, unto the Receiver General of His Majesty's Customs for the Time being, or to such Person or Persons as the said Commissioners for the Time being, or any Four or more of them, shall direct or appoint to receive the same, in Trust for His Majesty, His Heirs and Successors, for the Use and Service of the said Customs; and that the Receipt of the said Receiver General, or such other Person or Persons as aforesaid, for such Monies, (such Receipt to be endorsed on every such Conveyance, Surrender, or Assignment as aforesaid,) shall effectually discharge the Purchaser or Purchasers, or Person or Persons, by whom or on whose Account the same shall be so paid.

Monies produced by Sale of such Lands to be paid to the Receiver General.

XXXIV. And be it further enacted, That immediately from and after the Payment of such Purchase Money, and the Execution of every such Conveyance, Surrender, and Assignment as aforesaid, the Purchaser or Purchasers therein named shall be deemed and adjudged to stand seised and possessed of the Manors, Messuages, Lands, Tenements, and Hereditaments which shall be so purchased by, and conveyed, surrendered, assigned, or made over to him, her, or them respectively, freed and absolutely discharged of and from all and all Manner of prior Estates, Leases, Rights, Titles, Interests, Charges, Incumbrances, and Demands whatsoever which can or may be had, made, set up, in, to, out of, or upon or in respect of the same Manors, Messuages, Lands, Tenements, and Hereditaments, by any Person or Persons whomsoever, by, from, or under or in Trust for His Majesty, His Heirs and Successors, on any account whatsoever, save and except such Estates, Leases, Rights, Titles, Interests, Charges, Incumbrances, Claims, and Demands, if any, as in any such Conveyance, Surrender, or Assignment shall be excepted.

After Payment, Purchasers to stand possessed of the Lands, &c.

XXXV. And be it further enacted, That it shall be lawful for the said Lord High Treasurer or for the said Commissioners of the Treasury for the Time being from Time to Time, by any Writing under their Hands, to authorize any Person or Persons to survey and mark out any Lands, not exceeding One Half Acre at any one Station, which are or may be wanted for the Purposes of erecting and

Treasury may authorize Persons to survey and mark out Lands for Watch-houses, &c.

and maintaining Watch-houses, Dwelling Houses, and other Buildings requisite and necessary for the Security and Protection of the Revenues of Customs and Excise, with all necessary Ways unto and from the same, or any or either of them, such Lands being situated within Half a Mile of the Sea Shore or of the Tideway of any navigable River, and to authorize any Person or Persons, by Warrant as aforesaid, to treat and agree with the Owner or Owners, or any Person or Persons interested therein, of any such Lands, or of any Messuages, Tenements, Hereditaments, or Premises which may be requisite and necessary as aforesaid, for the Possession thereof for such Time or Term of Years as the Public Service shall require.

Bodies Politic,
&c. may con-
tract for the
Sale.

XXXVI. And be it further enacted, That it shall be lawful for all Bodies Politic or Corporate, Ecclesiastical or Civil, and all Feoffees or Trustees for charitable or other public Purposes, and for all Tenants for Life and Tenants in Tail, and for the Husbands, Guardians, Trustees, Committees, Curators, or Attornies of such of the Owners or Proprietors of or Persons interested in any such Lands, Messuages, Tenements, Hereditaments, or Premises required for such Public Service as shall be Femes Covert, Infants, Lunatics, Idiots, or Persons beyond the Seas, or otherwise incapable of acting for themselves, to contract and agree with such Person or Persons authorized as aforesaid for the Grant of any Lease of such Lands, Messuages, Tenements, Hereditaments, or Premises, either for any Term of Years certain therein, or for such Periods as the Public Service shall require, and to demise or grant the same unto the said Lord High Treasurer or Commissioners of His Majesty's Treasury, in Trust for His Majesty, His Heirs and Successors, accordingly; and all such Leases and Agreements shall be valid and effectual in Law to all Intents and Purposes whatsoever.

Persons refusing
to sell or to ac-
cept the Consi-
deration offered,
Two Justices,
&c. may put
His Majesty's
Officers into
Possession, and
a Jury shall be
summoned, who
shall find the
Compensation
to be made.

XXXVII. And be it further enacted, That in case any such Bodies or other Persons hereby authorized to contract on behalf of themselves or others as aforesaid, or any other Person or Persons, interested in any such Lands so marked out, or in any Messuages, Tenements, Hereditaments, or Premises required as aforesaid, shall, for the Space of Fourteen Days next after Notice in Writing subscribed by such Person or Persons authorized as aforesaid shall have been given to the principal Officer or Officers of any such Body, or to such other Persons hereby authorized to contract on behalf of others, or interested themselves as aforesaid, or left at his, her, or their usual Place of Abode, refuse or decline to treat or agree, or by reason of Absence shall be prevented from treating or agreeing, with such Person or Persons authorized as aforesaid, or shall refuse to accept such annual Rent or Sum as shall be offered for the Hire thereof, either for a Time certain or for such Period as the Public Service may require, and in case also it shall not be practicable to procure, by voluntary Bargain or Sale, any other Land situate as aforesaid, or of any Messuages, Tenements, Hereditaments, or Premises required as aforesaid, and suited to the Purpose for which such Lands, Messuages, Tenements, Hereditaments, or Premises are required, then and in such Case it shall be lawful for Two or more Justices, or Three or more Deputy Lieutenants (one of whom shall be a Justice of the Peace), or Two or more Deputy Governors for the County, Riding, Stewartry, City, or Place wherein such Lands, Tenements, Messuages, Hereditaments, or Premises shall be,

be, to put His Majesty's Officers in possession of such Lands, Messuages, Tenements, Hereditaments, or Premises, and for that Purpose to issue a Warrant under their Hands and Seals, requiring Possession to be delivered to such of His Majesty's Officers as shall be named in the said Warrant; and it shall also be lawful for such Person or Persons so authorized as aforesaid to require the said Justices, Deputy Lieutenants or Deputy Governors of such County, Riding, Stewartry, City, Liberty, or Place, to issue their Warrant to the Sheriff or Sheriffs of the County, Riding, Stewartry, City, or Place wherein such Lands, Messuages, Tenements, Hereditaments, or Premises shall be situate, to summon a Jury; and every such Sheriff or Sheriffs is and are hereby authorized and required to summon and return a Jury, properly qualified, of the Number of Twenty-four, and in the Manner required by the Laws of *England, Ireland, and Scotland* respectively, who shall meet at some convenient Time and Place to be mentioned in such Summons, out of whom a Jury of Twelve shall be drawn in such Manner as Juries for the Trial of Issues joined in His Majesty's Courts at *Westminster* and *Dublin* are drawn by Law in *England* or *Ireland* respectively, and in such Manner as Juries are drawn by Law for the Trial of Offences in *Scotland*; and in case a sufficient Number shall not appear, the Sheriff or Sheriffs shall choose others of the By-standers, or that can speedily be procured, being qualified as aforesaid; and the said Jurymen may be challenged by the Parties on either Side, but not the Array; and the said Justices, Deputy Lieutenants, or Deputy Governors respectively, on the Application of the said Persons so authorized, or of any Parties concerned, may and shall summon Witnesses, and adjourn any such Meeting if Jurymen or Witnesses do not attend; and the Jury, on hearing any Witnesses and Evidence that may be produced, shall on their Oaths (which Oaths, as also the Oaths of such Witnesses, the said Justices, Deputy Lieutenants, or Deputy Governors respectively are hereby empowered and required to administer,) find the Compensation to be paid for the Possession or Use of such Lands, as the Case may be.

XXXVIII. Provided always, and be it further enacted, That if the Owner or Owners of any Lands, Messuages, Tenements, Hereditaments, or Premises so required, or any Person or Persons interested therein, shall at any Time before the summoning of such Jury as aforesaid give Notice in Writing of any other Lands situate as aforesaid, and of any other Messuages, Tenements, Hereditaments, or Premises so required as aforesaid, and suited to the Purpose for which such Lands are required, and which the Owner or Owners thereof or Persons interested therein are willing to treat and agree for, then and in such Case the Jury so to be summoned shall previously find the Facts, whether the Lands so indicated in such Notice are situate within the Distance aforesaid, and are suited to the Purpose for which such Lands, Tenements, Messuages, Hereditaments, or Premises may be required, and whether the Owner or Owners thereof or Persons interested therein are willing to treat and agree for the same; and if they shall so find, the Owner or Owners of or Persons interested in the Lands so surveyed or marked out as aforesaid, or of the Messuages, Tenements, Hereditaments, or Premises so required, shall not be compellable by virtue of this Act to sell or dispose of the same: Provided always, that

Lands that are suitable may be taken in lieu of such as have been marked out.

that where the Owner or Owners of or Persons interested in any Lands, Messuages, Tenements, Hereditaments, or Premises required by virtue of this Act to be given up for the Purposes aforesaid, shall prefer to sell the same outright, and shall be able to make a good Title to the Fee Simple thereof, it shall be lawful for them to insist on so doing; and in such Case the Jury so summoned as aforesaid shall find the Value of the Fee Simple of such Lands, Tenements, Messuages, Hereditaments, or Premises, and the same shall be paid to the Owner or Owners thereof or Persons interested therein in the Manner directed by this Act.

If any Person be dissatisfied with Verdict, Appeal may be made to the Court of Exchequer in England or Ireland, or to the Court of Session, &c. in Scotland.

XXXIX. Provided always, and be it further enacted, That if the said Lord High Treasurer, or the said Commissioners of His Majesty's Treasury, or any Person interested therein, shall be dissatisfied with the Verdict of any such Jury, it shall be lawful for them or their Attornies in *England* and *Ireland* to apply to the Court of Exchequer at *Westminster* or *Dublin* respectively in the next Term, and in *Scotland* to apply within Fourteen Days after the finding any such Verdict to the Court of Session in *Scotland* in Time of Session, or Lord Ordinary on the Bills in Time of Vacation, and to suggest to the said Courts or Lord Ordinary respectively that they have reason to be dissatisfied with such Verdict, and forthwith to give Notice thereof to the said Lord High Treasurer or Commissioners, or Party (as the Case may be); and thereupon in *England* and *Ireland* the Proceedings that shall have been had, and the Verdict of such Jury, shall be returned into the said Courts of Exchequer respectively; and if it shall appear to the said Courts to be proper, a Suggestion shall be entered on such Proceedings as aforesaid, and a Writ shall thereupon, by Rule of such Court, or Order of any Judge of such Court, be directed to the Sheriff of such County where the Lands shall lie, or the Messuages, Tenements, Hereditaments, or Premises shall be, or if the same shall lie or be in Two Counties, to the Sheriff of either of such Counties, to summon either a Common or Special Jury according to the Application that shall have been made on that Behalf, and as the Court or such Judge shall allow, and who shall respectively be qualified according to Law, to appear before the said Justice of Assize or Nisi Prius of that County at the next Assizes or Sitzings of Nisi Prius if the same shall not happen sooner than Twenty-one Days after such Suggestion, otherwise at the next succeeding Assizes or Sitzings; and the Compensation to be paid for the Possession or Use of such Lands, Messuages, Tenements, Hereditaments, or Premises shall at such Assizes or Sitzings be ascertained by such Jury in like Manner as any Damages may be inquired of upon any Inquisition or Inquiry of Damages by any Jury before any Judge of Assize or Nisi Prius; and the Verdict of such Jury shall be returned to the said Courts of Exchequer, and shall be final and conclusive; and in *Scotland*, if it shall appear proper to the said Court of Session or Lord Ordinary, upon such Application so to do, the said Court or Ordinary shall order and direct the Sheriff of the County where such Lands, Messuages, Tenements, Hereditaments, or Premises shall lie and be, or if the same shall lie or be in Two Counties, the Sheriff of either of such Counties, to summon another Jury in the Manner in which Juries are summoned in *Scotland*, properly qualified according to Law, to appear

appear before the Lords or Lord of Justiciary at the next Circuit if the same shall not happen sooner than Twenty-one Days after such Application, otherwise at the next succeeding Circuit; and the Compensation as aforesaid for the Land, Messuages, Tenements, Hereditaments, and Premises shall at such Circuit be ascertained by a Jury drawn from the Jury summoned as aforesaid in such Manner as Juries are drawn in *Scotland* under the Direction of the said Lords or Lord of Justiciary as aforesaid; and the Verdict of such last-mentioned Juries shall be final and conclusive, without being subject to Review or Challenge of any kind, unless the Court that shall have allowed such Inquiry shall think fit, on any Application made within Four Days after the Commencement of the succeeding Term or Session, if in *Scotland*, to order any new Trial in relation thereto.

XL. Provided always, and be it further enacted, That it shall be lawful for any Jury impanelled before any Justice of the Peace, Magistrate, Deputy Lieutenant, or Deputy Governor, or before any Judge of Assize or Nisi Prius, to ascertain the Compensation to be paid for any Lands under this Act, and they are hereby required, to ascertain and settle the Proportion to be paid out of such Compensation to any Person or Persons having any Interest as Lessees, or Tenants at Will, or otherwise, in any such Lands, and the Proportion to be paid out of such Compensation shall be returned on the Verdict: Provided also, that where any such Inquiry before any Judge of Assize or Nisi Prius, or Lords or Lord of Justiciary, shall be had on the Application of any such Lessee or Tenant at Will, or other Person having any inferior Interest in any such Lands, Messuages, Tenements, Hereditaments, or Premises, who may have been dissatisfied with the Proportion of Compensation settled by the Jury to be paid in respect of such Interest, it shall not be lawful for the Jury in any such Case to alter the Amount of the entire Compensation awarded by any former Verdict to be paid for such Lands, Messuages, Tenements, Hereditaments, or Premises, but only the Proportion thereof to be paid to the Person or Persons having separate Interests therein; and it shall not be lawful for any Jury, on any Inquiry had before any Judge of Assize or Nisi Prius, or Lords or Lord of Justiciary, as to any Compensation on the Application of the said Lord High Treasurer or Commissioners of His Majesty's Treasury, in any Case in which the whole Compensation awarded by the former Jury is confirmed by the Jury on such Inquiry, to alter the Proportion that shall have been settled by any such former Jury as to any separate Interest in any such Lands, Tenements, Messuages, Hereditaments, or Premises.

Jury, in ascertaining Compensation for Premises, to settle Proportion to be paid Lessees, &c.

XLI. Provided also, and be it further enacted, That it shall be lawful for the Court or Judge, or Lord Ordinary, making any such Rule or Order, to require that the Party on whose Application the same shall be made shall give such Security as shall to such Court, Judge, or Lord Ordinary seem proper, for Payment of Costs, under such Circumstances as shall be specified in any Rule or Order made for that Purpose.

Security to be given for Costs.

XLII. And be it further enacted, That in all Cases where any Lands shall be taken under the Provisions of this Act for any Term of Years or for such Period only as the Public Service shall require, it shall be lawful for the Lord High Treasurer or Commissioners of

Upon delivering up Lands to the Owners, all Erections for the Public Ser-

His

Gardens not to be affected.

XLVI. Provided always, and be it further enacted, That nothing in this Act contained shall be construed to extend to any Garden or Pleasure Ground, or to any Land immediately contiguous to and used as the Curtilage or Homestead of any Dwelling House.

Documents signed by Three Commissioners of the Treasury to be deemed the Act of the whole Commissioners.

XLVII. And be it further enacted, That every Order, Document, Instrument, or Writing relating to the Customs or to the Law of Navigation, required by any Law at any Time in force to be under the Hands of the Commissioners of His Majesty's Treasury, being signed by Three or more of such Commissioners, shall be deemed to be an Order, Document, Instrument, or Writing under the Hands of the Commissioners of His Majesty's Treasury accordingly.

Act may be altered this Session.

XLVIII. And be it further enacted, That this Act may be altered, varied, or repealed by any Act to be passed in the present Session of Parliament.

CAP. LII.

An Act for the general Regulation of the Customs.

[28th August 1833.]

6 G. 4. c. 107.

Commencement of Act.

INWARDS.

General Provision.

No Goods to be landed nor Bulk broken before Report and Entry.

Times and Places of landing.

Goods not reported to be forfeited.

If Bulk illegally broken, Master to forfeit 100l.

WHEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty King George the Fourth, intitled *An Act for the general Regulation of the Customs*, whereby the Laws of Customs, in relation to the general Regulation of the Customs, were consolidated and amended: And whereas since the passing of the said Act divers Acts for the further Amendment of the Law have been found necessary, and it will be of advantage to the Trade and Commerce of the Country that the said Acts should be consolidated into One Act: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That this Act shall commence upon the First Day of September One thousand eight hundred and thirty-three, except where any other Commencement is herein particularly directed.

II. 'And whereas it is expedient that the Officers of Customs should have full Cognizance of all Ships coming into any Port in the United Kingdom or in the *Isle of Man*, or approaching the Coasts thereof, and of all Goods on board, or which may have been on board such Ships, and also of all Goods unladen from any Ship in any Port or Place in the United Kingdom or in the *Isle of Man*;' be it therefore enacted, That no Goods shall be unladen from any Ship arriving from Parts beyond the Seas at any Port or Place in the United Kingdom or in the *Isle of Man*, nor shall Bulk be broken after the Arrival of such Ship within Four Leagues of the Coasts thereof respectively, before due Report of such Ship and due Entry of such Goods shall have been made, and Warrant granted, in manner herein-after directed; and that no Goods shall be so unladen except at such Times and Places, and in such Manner, and by such Persons, and under the Care of such Officers, as is and are herein-after directed; and that all Goods not duly reported, or which shall be unladen contrary hereto, shall be forfeited; and if Bulk be broken contrary hereto, the Master of such Ship shall forfeit the Sum of One hundred Pounds; and if, after

after the Arrival of any Ship within Four Leagues of the Coast of the United Kingdom or of the *Isle of Man*, any Alteration be made in the Stowage of the Cargo of such Ship, so as to facilitate the unlading of any Part of such Cargo, or if any Part be staved, destroyed, or thrown overboard, or any Package be opened, such Ship shall be deemed to have broken Bulk: Provided always, that the several Articles herein-after enumerated may be landed in the United Kingdom without Report, Entry, or Warrant; (that is to say,) Diamonds and Bullion, fresh Fish of *British* taking, and imported in *British* Ships, Turbots and Lobsters fresh, however taken or imported.

INWARDS.

General
Provision.Certain Articles
may be landed
without Entry.

III. And be it further enacted, That no Goods shall be imported into the United Kingdom or into the *Isle of Man* from Parts beyond the Seas in any *British* Ship, nor any Tobacco in any Ship, unless the Master shall have on board a Manifest of such Goods or of such Tobacco, made out and dated and signed by him at the Place or respective Places where the same or the different Parts of the same was or were taken on board, and authenticated in the Manner herein-after provided; and every such Manifest shall set forth the Name and the Tonnage of the Ship, the Name of the Master and of the Place to which the Ship belongs, and of the Place or Places where the Goods were taken on board respectively, and of the Place or Places for which they are destined respectively, and shall contain a particular Account and Description of all the Packages on board, with the Marks and Numbers thereon, and the Sorts of Goods and different Kinds of each Sort contained therein, to the best of the Master's Knowledge, and of the Particulars of such Goods as are stowed loose, and the Names of the respective Shippers and Consignees, as far as the same can be known to the Master; and to such particular Account shall be subjoined a general Account or Recapitulation of the total Number of the Packages of each Sort, describing the same by their usual Names, or by such Descriptions as the same can best be known by, and the different Goods therein, and also the total Quantities of the different Goods stowed loose: Provided always, that every Manifest for Tobacco shall be a separate Manifest, distinct from any Manifest for any other Goods, and shall, without fail, contain the particular Weight of Tobacco in each Hogshead, Cask, Chest, or Case, with the Tare of the same; and if such Tobacco be the Produce of the Dominions of the Grand Seigneur, then the Number of the Parcels or Bundles within any such Hogshead, Cask, Chest, or Case shall be stated in such Manifest.

Manifest.

All British
Ships, and all
Ships with To
bacco, to have
Manifests.Particulars of
Manifest.part of the
4516 to 4709

IV. And be it further enacted, That before any Ship shall be cleared out or depart from any Place in any of the *British* Possessions Abroad, or from any Place in *China*, with any Goods for the United Kingdom or for the *Isle of Man*, the Master of such Ship shall produce the Manifest to the Collector or Controller of the Customs, or other proper Officer, who shall certify upon the same the Date of the Production thereof to him: Provided always, that in all Places within the Territorial Possessions of the *East India* Company the Servant of the said Company by whom the last Dispatches of such Ship shall be delivered shall be the proper Officer to authenticate the Manifest as aforesaid; and in all Places in

To be produced
to Officers in
Colonies, &c.

INWARDS.

China the Chief Supercargo of the said Company shall be the proper Officer for such Purpose.

Manifest.

To be produced
to Consuls.

V. And be it further enacted, That before the Departure of any Ship from any Place beyond the Seas not under the *British* Dominions, where any Tobacco has been taken on board such Ship for the United Kingdom or for the *Isle of Man*, the Master of such Ship shall produce the Manifest of such Tobacco to the *British* Consul or other Chief *British* Officer, if there be any such resident at or near such Place; and such Consul or other Officer shall certify upon the same the Date of the Production thereof to him.

If wanting.
Master to for-
feit 100*l*.

VI. And be it further enacted, That if any Goods shall be imported into the United Kingdom or into the *Isle of Man*, in any *British* Ship, or any Tobacco in any Ship, without such Manifest, or if any Goods contained in such Manifest be not on board, the Master of such Ship shall forfeit the Sum of One hundred Pounds.

Manifest to be
produced within
Four Leagues;

VII. And be it further enacted, That the Master of every Ship required to have a Manifest on board shall produce such Manifest to any Officer of the Customs who shall come on board his Ship after her Arrival within Four Leagues of the Coast of the United Kingdom or of the Coast of the *Isle of Man*, and who shall demand the same, for his Inspection; and such Master shall also deliver to any such Officer who shall be the first to demand it, a true Copy of such Manifest signed by the Master; and shall also deliver another Copy to any other Officer of the Customs who shall be the first to demand the same within the Limits of the Port to which such Ship is bound; and thereupon such Officers respectively shall notify on such Manifest and on such Copies the Date of the Production of such Manifest and of the Receipt of such Copies, and shall transmit such Copies to the Collector and Controller of the Port to which such Vessel is first bound, and shall return such Manifest to the Master; and if such Master shall not in any Case produce such Manifest, or deliver such Copy, he shall forfeit the Sum of One hundred Pounds.

and Copies
delivered to
Officers.

Copies to be
transmitted to
Port of Desti-
nation.

Master not pro-
ducing to forfeit
100*l*.

Report.

Master within
24 Hours, and
before breaking
Bulk, shall
report.

Particulars of
Report.

VIII. And be it further enacted, That the Master of every Ship arriving from Parts beyond the Seas at any Port in the United Kingdom or in the *Isle of Man*, whether laden or in ballast, shall, within Twenty-four Hours after such Arrival, and before Bulk be broken, make due Report of such Ship, and shall make and subscribe a Declaration to the Truth of the same, before the Collector or Controller of such Port; and such Report shall contain an Account of the particular Marks, Numbers, and Contents of all the different Packages or Parcels of the Goods on board such Ship, and the Particulars of such Goods as are stowed loose, to the best of his Knowledge, and of the Place or Places where such Goods were respectively taken on board, and of the Burthen of such Ship, and of the Country where such Ship was built, or, if *British*, of the Port of Registry, and of the Country of the People to whom such Ship belongs, and of the Name and Country of the Person who was Master during the Voyage, and of the Number of the People by whom such Ship was navigated, stating how many are Subjects of the Country to which such Ship belongs, and how many are of some other Country; and in such Report it shall be further declared, whether and in what Cases such Ship has broken Bulk in

the course of her Voyage, and what Part of the Cargo, if any, is intended for Importation at such Port, and what Part, if any, is intended for Importation at another Port in the United Kingdom, or at another Port in the *Isle of Man* respectively, and what Part, if any, is prohibited to be imported, except to be warehoused for Exportation only, and what Part, if any, is intended for Exportation in such Ship to Parts beyond the Seas, and what surplus Stores or Stock remain on board such Ship, and, if a *British* Ship, what foreign-made Sails or Cordage, not being standing or running Rigging, are in use on board such Ship, and the Master of any Ship, who shall fail to make such Report, or who shall make a false Report, shall forfeit the Sum of One hundred Pounds.

INWARDS.

Report.

Penalty on
Failure, 100*l*.

IX. Provided always, and be it further enacted, That the Master of every Vessel coming from the Coast of *Africa*, and having taken on board at any Place in *Africa* any Person or Persons being or appearing to be Natives of *Africa*, shall, in addition to all other Matters, state, in the Report of his Vessel, how many such Persons have been taken on board by him in *Africa*; and any such Master failing herein shall forfeit the Sum of One hundred Pounds: Provided also, that the Master or Owner or Owners of such Vessel, or some or one of them, at the Time of making such Report, be required to enter into Bond to His Majesty in the Sum of One hundred Pounds, conditioned to keep harmless any Parish, or any Extra-parochial or other Place maintaining its own Poor, against any Expence which such Parish or other Place may be put to in supporting any such Person during their Stay in the United Kingdom; and any such Master, Owner or Owners, refusing or neglecting to enter into such Bond shall forfeit the Sum of Two hundred Pounds.

Masters of
Vessels coming
from Africa to
report how
many Natives
they have taken
on board in
Africa, and to
give Bond to
maintain or
send back such
Africans as they
bring from
thence.

X. And be it further enacted, That if the Contents of any Package so intended as aforesaid for Exportation in the same Ship to Parts beyond the Seas shall be reported by the Master as being unknown to him, it shall be lawful for the Officers of the Customs to open and examine such Package on board, or to bring the same to the King's Warehouse for that Purpose; and if there be found in such Package any Goods which may not be entered for Home Use, such Goods shall be forfeited; or if the Goods be such as may be entered for Home Use, the same shall be chargeable with the Duties of Importation; unless in either Case the Commissioners of His Majesty's Customs, in consideration of the Sort or Quality of such Goods, or the small Rate of Duty payable thereon, shall see fit to deliver the same for Exportation.

Packages re-
ported "Con-
tents unknown,"
may be opened
and examined.

Prohibited
Goods may be
forfeited.

XI. And be it further enacted, That the Master of every Ship shall, at the Time of making such Report, deliver to the Collector or Controller the Manifest of the Cargo of such Ship, where a Manifest is required, and, if required by the Collector or Controller, shall produce to him any Bill or Bills of Lading, or a true Copy thereof, for any and every Part of the Cargo laden on board; and shall answer all such Questions relating to the Ship and Cargo, and Crew and Voyage, as shall be put to him by such Collector or Controller; and in case of Failure or Refusal to produce such Manifest, or to answer such Questions, or to answer them truly, or to produce such Bill of Lading or Copy, or if such Manifest, or Bill of Lading, or Copy shall be false, or if any Bill of Lading be uttered

Master to de-
liver Manifest;

and if required,
Bill of Lading
or Copy;

and answer
Questions.

On failure
Master to forfeit
100*l*.

INWARDS.

Report.

Part of Cargo
reported for
another Port.

Ship to come
quickly to Place
of unloading, but
to bring to at
Stations for
boarding Of-
ficers.

Officers to board
Ships;

to have free
Access to all
Parts;

may seal or
secure Goods;

may open Locks.

Goods conceal-
ed forfeited.

If Seal, &c. be
broken, Master
to forfeit 100l.

by any Master, and the Goods expressed therein shall not have been *bond fide* shipped on board such Ship, or if any Bill of Lading uttered or produced by any Master shall not have been signed by him, or any such Copy shall not have been received or made by him previously to his leaving the Place where the Goods expressed in such Bill of Lading or Copy were shipped, then and in every such Case such Master shall forfeit the Sum of One hundred Pounds.

XII. And be it further enacted, That if any Part of the Cargo of any Ship for which a Manifest is required be reported for Importation at some other Port in the United Kingdom, or at some other Port in the *Isle of Man* respectively, the Collector and Controller of the Port at which some Part of the Cargo has been delivered shall notify such Delivery on the Manifest, and return the same to the Master of such Ship.

XIII. And be it further enacted, That every Ship shall come as quickly up to the proper Place of mooring or unloading as the Nature of the Port will admit, and without touching at any other Place; and in proceeding to such Place shall bring to at Stations appointed by the Commissioners of His Majesty's Customs for the boarding of Ships by the Officers of the Customs; and after Arrival at such Place of mooring or unloading such Ship shall not remove from such Place except directly to some other proper Place, and with the Knowledge of the proper Officer of the Customs, on Penalty of One hundred Pounds, to be paid by the Master of such Ship: Provided always, that it shall be lawful for the Commissioners of His Majesty's Customs to appoint Places to be the proper Places for the mooring or unloading of Ships importing Tobacco, and where such Ships only shall be moored or unladen; and in case the Place so appointed for the unloading of such Ships shall not be within some Dock surrounded with Walls, if any such Ship after having been discharged shall remain at such Place, or if any Ship not importing Tobacco shall be moored at such Place, the Master shall in either Case forfeit and pay the Sum of Twenty Pounds.

XIV. And be it further enacted, That it shall be lawful for the proper Officers of the Customs to board any Ship arriving at any Port in the United Kingdom or in the *Isle of Man*, and freely to stay on board until all the Goods laden therein shall have been duly delivered from the same; and such Officers shall have free Access to every Part of the Ship, with Power to fasten down Hatchways, and to mark any Goods before landing, and to lock up, seal, mark, or otherwise secure any Goods on board such Ship; and if any Place, or any Box or Chest, be locked, and the Keys be withheld, such Officers, if they be of a Degree superior to Tidesmen or Watermen, may open any such Place, Box, or Chest in the best Manner in their Power; and if they be Tidesmen or Watermen, or only of that Degree, they shall send for their superior Officer, who may open or cause to be opened any such Place, Box, or Chest in the best Manner in his Power; and if any Goods be found concealed on board any such Ship, they shall be forfeited; and if the Officers shall place any Lock, Mark, or Seal upon any Goods on board, and such Lock, Mark, or Seal be wilfully opened, altered, or broken before due Delivery of such Goods, or if any of such Goods be secretly conveyed away, or if the Hatchways, after having been

been fastened down by the Officer, be opened, the Master of such Ship shall forfeit the Sum of One hundred Pounds.

XV. Provided always, and be it further enacted, That if any Ship (having Commission from His Majesty, or from any Foreign Prince or State) arriving as aforesaid at any Port in the United Kingdom or in the *Isle of Man* shall have on board any Goods laden in Parts beyond the Seas, the Captain, Master, Purser, or other Person having the Charge of such Ship or of such Goods for that Voyage shall, before any Part of such Goods be taken out of such Ship, or when called upon so to do by any Officer of the Customs, deliver an Account in Writing under his Hand, to the best of his Knowledge, of the Quality and Quantity of every Package or Parcel of such Goods, and of the Marks and Numbers thereon, and of the Names of the respective Shippers and Consignees of the same, and shall make and subscribe a Declaration at the Foot of such Account, declaring to the Truth thereof, and shall also truly answer to the Collector or Controller such Questions concerning such Goods as shall be required of him; and on failure thereof such Captain, Master, Purser, or other Person shall forfeit the Sum of One hundred Pounds; and all such Ships shall be liable to such Searches as Merchant Ships are liable to; and the Officers of the Customs may freely enter and go on board all such Ships, and bring from thence on shore into the King's Warehouse any Goods found on board any such Ship as aforesaid; subject nevertheless to such Regulations in respect of Ships of War belonging to His Majesty as shall from Time to Time be directed in that respect by the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain and Ireland*.

XVI. And be it further enacted, That the Master of every *British* Ship arriving at any Port in the United Kingdom, on her Return from any *British* Possessions in the *West Indies*, shall, within Ten Days of such Arrival, deliver to the Collector or Controller a List, containing the Names and Descriptions of the Crew which was on board at the Time of clearing from the United Kingdom, and of the Crew on board at the Time of Arrival in any of the said Possessions, and of every Seaman who has deserted or died during the Voyage, and also the Amount of Wages due at the Time of his Death to each Seaman so dying, and shall make and subscribe a Declaration at the Foot of such List, declaring to the Truth thereof; and every Master omitting so to do shall forfeit the Sum of Fifty Pounds; and such List shall be kept by the Collector for the Inspection of all Persons interested therein.

XVII. And be it further enacted, That every Importer of any Goods shall, within Fourteen Days after the Arrival of the Ship importing the same, make perfect Entry Inwards of such Goods, or Entry by Bill of Sight, in manner herein-after provided, and shall within such Time land the same; and in default of such Entry and Landing it shall be lawful for the Officers of the Customs to convey such Goods to the King's Warehouse; and whenever the Cargo of any Ship shall have been discharged, with the Exception only of a small Quantity of Goods, it shall be lawful for the Officers of the Customs to convey such remaining Goods, and at any Time to convey any small Packages or Parcels of Goods, to the King's Warehouse, although such Fourteen Days shall not have expired,

INWARDS.

Report.

National Ships, British or Foreign, having Goods on board, Person in charge to deliver an Account, or forfeit 100l.

Such Ships liable to Search, under Regulations of Treasury.

Master to deliver List of Crew of Ships from West Indies.

Penalty, 50l. List kept by Collector.

Entry.

After 14 Days Officer may land Goods not entered, and certain Goods before 14 Days.

Duties and
Charges not
paid in Three
Months, Goods
may be sold.

there to be kept waiting the due Entry thereof during the Remainder of such Fourteen Days; and if the Duties due upon any Goods so conveyed to the King's Warehouse shall not be paid within Three Months after such Fourteen Days shall have expired, together with all Charges of Removal and Warehouse Rent, the same shall be sold, and the Produce thereof shall be applied, first to the Payment of Freight and Charges, next of Duties, and the Overplus, if any, shall be paid to the Proprietor of the Goods.

Bill of Entry
to be delivered.

XVIII. And be it further enacted, That the Person entering any Goods Inwards (whether for Payment of Duty, or to be warehoused upon the first perfect Entry thereof, or for Payment of Duty upon the taking out of the Warehouse, or whether such Goods be free of Duty,) shall deliver to the Collector or Controller a Bill of the Entry of such Goods, fairly written in Words at Length, expressing the Name of the Ship, and of the Master of the Ship in which the Goods were imported, and of the Place from whence they were brought, and the Description and Situation of the Warehouse, if they are to be warehoused, and the Name of the Person in whose Name the Goods are to be entered, and the Quantity and Description of the Goods, and the Number and Denomination or Description of the respective Packages containing the Goods, and in the Margin of such Bill shall delineate the respective Marks and Numbers of such Packages, and shall pay down any Duties which may be payable upon the Goods mentioned in such Entry; and such Person shall also deliver at the same Time Two or more Duplicates, as the Case may require, of such Bill, in which all Sums and Numbers may be expressed in Figures, and the Particulars to be contained in such Bill shall be written and arranged in such Form and Manner, and the Number of such Duplicates shall be such as the Collector and Controller shall require; and such Bill being duly signed by the Collector and Controller, and transmitted to the Landing Waiter, shall be the Warrant to him for the landing or delivering of such Goods.

Particulars.

Duplicates.

Bill of Entry
signed shall be
the Warrant.

Unauthorized
Persons not to
be permitted to
make Entries.

XIX. And be it further enacted, That every Person who shall make or cause to be made any such Entry Inwards of any Goods, not being duly authorized thereto by the Proprietor or Consignee of such Goods, shall for every such Offence forfeit the Sum of One hundred Pounds: Provided always, that no such Penalty shall extend or be deemed to extend to any Person acting under the Directions of the several Dock Companies or other Corporate Bodies authorized by Law to pass Entries.

Not valid unless
agreeing with
Manifest, Re-
port, and other
Documents,

XX. And be it further enacted, That no Entry, nor any Warrant for the landing of any Goods, or for the taking of any Goods out of any Warehouse, shall be deemed valid, unless the Particulars of the Goods and Packages in such Entry shall correspond with the Particulars of the Goods and Packages, purporting to be the same, in the Report of the Ship, and in the Manifest, where a Manifest is required, and in the Certificate or other Document, where any is required, by which the Importation or Entry of such Goods is authorized, nor unless the Goods shall have been properly described in such Entry by the Denominations and with the Characters and Circumstances according to which such Goods are charged with Duty or may be imported, either to be used in the

and Description
of Goods.

United

United Kingdom, or to be warehoused for Exportation only; and any Goods taken or delivered out of any Ship, or out of any Warehouse, or for the Delivery of which, or for any Order for the Delivery of which, from any Warehouse, Demand shall have been made, not having been duly entered, shall be forfeited.

Goods not properly entered, forfeited.

XXI. And be it further enacted, That if the Goods in such Entry be charged to pay Duty according to the Number, Measure, or Weight thereof, such Number, Measure, or Weight shall be stated in the Entry; and if the Goods in such Entry be charged to pay Duty according to the Value thereof, such Value shall be stated in the Entry, and shall be affirmed by the Declaration of the Importer or his known Agent, written upon the Entry, and attested by his Signature; and if the Goods in such Entry be chargeable at the Option of the Officers of Customs, either according to the Number, Measure, or Weight thereof, or according to the Value thereof, then as well such Number, Measure, or Weight, as also such Value, shall be in like Manner stated in the Entry, and attested; and if any Person make such Declaration, not being the Importer or Proprietor of such Goods, nor his Agent duly authorized by him, such Person shall forfeit the Sum of One hundred Pounds; and such Declaration shall be made in Manner and Form following, and shall be binding upon the Person by or in behalf of whom the same shall be made; (that is to say,)

Goods by Number, Measure, or Weight. Goods ad valorem.

Declaration of Value.

Person not authorized, to forfeit 100*l*.

‘ I *A. B.* of [*Place of Abode*] do hereby declare, That I am [the Importer, or authorized by the Importer] of the Goods contained in this Entry, and that I enter the same [*stating which, if Part only*] at the Sum of . Witness my Hand the Day of *A. B.*’

Form of Declaration.

XXII. And be it further enacted, That if upon Examination it shall appear to the Officers of the Customs that such Goods are not valued according to the true Value thereof, it shall be lawful for such Officers to detain and secure such Goods, and (within Five Days from the landing thereof if it be in the Ports of *London, Leith, or Dublin*, or within Seven Days if in any other Port in the United Kingdom, or if in any Port in the *Isle of Man*,) to take such Goods for the Use of the Crown; and if a different Rate of Duty shall be charged upon any Goods according as the Value of the same shall be described in the Entry to be above or to be below any particular Price or Sum, and such Goods shall be valued in the Entry, so as to be liable to the lower Rate of Duty, and it shall appear to the Officers of the Customs that such Goods, by reason of their real Value, are properly liable to the higher Rate of Duty, it shall be lawful for such Officers in like Manner to take such Goods for the Use of the Crown; and the Commissioners of His Majesty's Customs shall thereupon in any of such Cases cause the Amount of such Valuation, together with an Addition of Ten Pounds *per Centum* thereon, and also the Duties paid upon such Entry, to be paid to the Importer or Proprietor of such Goods in full Satisfaction for the same, and shall dispose of such Goods for the Benefit of the Crown; and if the Produce of such Sale shall exceed the Sums so paid and all Charges incurred by the Crown, One Moiety of the Overplus shall be given to the Officer or Officers who had detained and taken the Goods; and the Money retained for the Benefit of the Crown shall be paid into the Hands

Goods undervalued, Officers may detain.

Valuation and 10*l*. per Cent. to be paid Importer.

Goods to be sold for the Benefit of the Crown.

INWARDS.

Entry.

East India
Company to
sell Goods.

Bill of Sight if
Goods be not
known;

see 607/1c 84
0.2

Importer to
examine, and
make perfect
Entry in Three
Days;

Or Goods to be
taken to King's
Warehouse;
and in One
Month may be
sold.

East India
Company may
enter by Bill of

of the Collector of the Customs, with the Knowledge of the Controller, and carried to Account as Duties of Customs.

XXIII. Provided always, and be it further enacted, That the Value of Goods imported by the *East India* Company shall be ascertained by the Gross Price at which the same shall have been sold by Auction at the public Sales of the said Company; and that the said Company shall fairly and openly expose to Sale and cause to be sold all such Goods so charged to pay Duty according to the Value thereof by way of public Auction in the City of *London*, within Three Years from the Importation thereof, and shall give due Notice at the Custom House in *London* to the Officers appointed to attend such Sales of the Time and Place thereof.

XXIV. And be it further enacted, That if the Importer of any Goods, or his Agent after full Conference with him, shall declare before the Collector or Controller that he cannot for Want of full Information make a full or perfect Entry of such Goods, and shall make and subscribe a Declaration to the Truth thereof, it shall be lawful for the Collector and Controller to receive an Entry by Bill of Sight for the Packages or Parcels of such Goods by the best Description which can be given, and to grant a Warrant thereupon, in order that the same may be provisionally landed, and may be seen and examined by such Importer, in Presence of the proper Officers; and within Three Days after any Goods shall have been so landed, the Importer shall make a full or perfect Entry thereof, and shall either pay down all Duties which shall be due and payable upon such Goods, or shall duly warehouse the same, according to the Purport of the full or perfect Entry or Entries so made for such Goods, or for the several Parts or Sorts thereof: Provided always, that if when full or perfect Entry be at any Time made for any Goods provisionally landed as aforesaid by Bill of Sight, such Entry shall not be made in manner herein-before required for the due landing of Goods, such Goods shall be deemed to be Goods landed without due Entry thereof, and shall be subject to the like Forfeiture accordingly: Provided also, that if any Sum of Money shall have been deposited upon any Entry by Bill of Sight, on account of the Duties which may be found to be payable on the Goods intended therein, it shall be lawful for the Officers of the Customs to deliver, in virtue of the Warrant for landing the same, any Quantity of Goods the Duty on which shall not exceed the Sum so deposited.

XXV. And be it further enacted, That in default of perfect Entry within such Three Days such Goods shall be taken to the King's Warehouse by the Officers of the Customs; and if the Importer shall not, within One Month after such Landing, make perfect Entry or Entries of such Goods, and pay the Duties thereon, or on such Parts as can be entered for Home Use, together with Charges of Removal and of Warehouse Rent, such Goods shall be sold for the Payment of such Duties (or for Exportation, if they be such as cannot be entered for Home Use, or shall not be worth the Duties and Charges,) and for the Payment of such Charges; and the Overplus, if any, shall be paid to the Importer or Proprietor thereof.

XXVI. Provided always, and be it further enacted, That it shall be lawful for the *East India* Company, without making the

Proof

Proof herein-before required, to enter by Bill of Sight, to be landed and secured in such Manner as the Commissioners of His Majesty's Customs shall require, any Goods imported by them, and also any Goods imported by any other Person from Places within the Limits of the Charter of the said Company, with the Consent of such Person, upon Condition to cause perfect Entry to be made of such Goods within Three Months from the Date of the Importation thereof, either to warehouse the same or to pay the Duties thereon within the Times and in the Manner herein-after mentioned; (that is to say,) if such Goods be charged to pay Duty according to the Value, then to pay such Duty within Four Months from the Sale of the Goods; and if such Goods be charged to pay Duty according to the Number, Measure, or Weight thereof, then to pay one Moiety of such Duties within Six Calendar Months from the Time of the Importation of such Goods, and the other Moiety within Twelve Calendar Months from such Time; and such Goods shall be secured in such Places and in such Manner as the Commissioners of His Majesty's Customs shall require, until the same shall have been duly entered, and the Duties thereon shall have been duly paid, or until the same shall have been duly exported: Provided also, that it shall be lawful for any other Person who shall have imported any Goods from Places within the said Limits into the Port of *London* in like Manner to enter such Goods by Bill of Sight in his own Name, upon giving sufficient Security by Bond, to the Satisfaction of the Commissioners of His Majesty's Customs, with the like Conditions as are required of the said Company for making perfect Entries, and for the securing and the paying of Duties, provided such Goods be entered by such Bill of Sight to be warehoused in some Warehouse under the Superintendence of the said Company, and in which Goods imported by the said Company may be secured in manner before mentioned.

Sight; and make perfect Entry within Three Months.

Ad valorem Duties.

Rated Duties.

Private Importers may enter as the Company may, on Bond, provided Goods be secured in Company's Warehouses.

XXVII. And be it further enacted, That in default of perfect Entry within Three Months as aforesaid, or of due Entry and Payment of Duty within the Times and in the Manners herein-before respectively required, it shall be lawful for the Commissioners of His Majesty's Customs to cause any such Goods in respect of which such Default shall have been made to be sold for the Payment of such Duties, (or for Exportation, if they be such as cannot be entered for Home Use,) and for the Payment of all Charges incurred by the Crown in respect of such Goods; and the Overplus, if any, shall be paid to the Proprietor thereof.

In default of Payment of Duties, Goods to be sold.

XXVIII. And be it further enacted, That where any Package or Parcel shall have been landed by Bill of Sight, and any Goods or other Things shall be found in such Package or Parcel concealed in any way, or packed with Intent to deceive the Officers of His Majesty's Customs, as well all such Goods and other Things as the Package or Parcel in which they are found, and all other Things contained in such Package or Parcel, shall be forfeited.

Goods landed by Bill of Sight fraudulently concealed, forfeited.

XXIX. And be it further enacted, That the *East India* Company shall pay into the Hands of the Receiver General of the Customs every Sum of Money due from the said Company on account of the Duties of Customs at the respective Times when the same shall become due; and that the said Receiver General shall give to the said Company a Receipt for the Monies so paid, on the Account of the

East India Company to pay Duties to Receiver General.

INWARDS.

Entry.

Goods damaged
on Voyage ;

Abatement of
Duties.

Proof by Master
and Importer.

When Claim to
be made.

Officers to ex-
amine Damage,
and state Pro-
portion, or
choose Two
Merchants.

No Abatement
for certain
Goods.

Returned
Goods ;

entered by Bill
of Store ;
if Property be
not changed ;

if Foreign
Goods, Duties
to be paid again ;

or Goods may
be warehoused.

Certain Goods
may not be re-
turned for
Home Use.

the Collector of the Customs, which Receipt, when delivered to such Collector, shall be received by him as Cash.

XXX. And be it further enacted, That if any Goods which are rated to pay Duty according to the Number, Measure, or Weight thereof (except certain Goods herein-after mentioned) shall receive Damage during the Voyage, an Abatement of such Duties shall be allowed in proportion to the Damage so received ; provided Proof be made to the Satisfaction of the Commissioners of His Majesty's Customs, or of any Officers of Customs acting therein under their Directions, that such Damage was received after the Goods were shipped Abroad in the Ship importing the same, and before they were landed in the United Kingdom ; and provided Claim to such Abatement of Duties be made at the Time of the first Examination of such Goods.

XXXI. And be it further enacted, That the Officers of the Customs shall thereupon examine such Goods with reference to such Damage, and may state the Proportion of Damage which, in their Opinion, such Goods have so received, and may make a proportionate Abatement of Duties, but if the Officers of Customs be incompetent to estimate such Damage, or if the Importer be not satisfied with the Abatement made by them, the Collector and Controller shall choose Two indifferent Merchants experienced in the Nature and Value of such Goods, who shall examine the same, and shall make and subscribe a Declaration, stating in what Proportion, according to their Judgment, such Goods are lessened in their Value by reason of such Damage, and thereupon the Officers of Customs may make an Abatement of the Duties according to the Proportion of Damage so declared by such Merchants.

XXXII. Provided always, and be it further enacted, That no Abatement of Duties shall be made on account of any Damage received by any of the Sorts of Goods herein-after enumerated ; (that is to say,)

Cocoa,	Pepper,	Figs,	Lemons,
Coffee,	Currants,	Tobacco,	and Wine.
Oranges,	Raisins,		

XXXIII. And be it further enacted, That it shall be lawful to re-import into the United Kingdom from any Place, in a Ship of any Country, any Goods (except as herein-after excepted) which shall have been legally exported from the United Kingdom, and to enter the same by Bill of Store, referring to the Entry Outwards, and Exportation thereof, provided the Property in such Goods continue in the Person by whom or on whose Account the same have been exported, and that such Re-importation take place within Six Years from the Date of the Exportation ; and if the Goods so returned be Foreign Goods, which had before been legally imported into the United Kingdom, the same Duties shall be payable thereon as would, at the Time of such Re-importation, be payable on the like Goods under the same Circumstances of Importation as those under which such Goods had been originally imported, or such Goods may be warehoused as the like Goods might be warehoused upon a first Importation thereof : Provided always, that the several Sorts of Goods enumerated or described in the Table following shall not be re-imported into the United Kingdom for Home Use upon the Ground that the same had been legally exported from thence,

thence, but that the same shall be deemed to be Foreign Goods, whether originally such or not, and shall also be deemed to be imported for the first Time into the United Kingdom; (that is to say,)

INWARDS.

Entry.

A TABLE OF GOODS EXPORTED WHICH MAY NOT BE RE-IMPORTED FOR HOME USE.

Corn, Grain, Meal, Flour, and Malt.

Hops.

Tobacco.

Tea.

Goods for which any Bounty or any Drawback of Excise had been received on Exportation, unless by special Permission of the Commissioners of His Majesty's Customs, and on Repayment of such Bounty or such Drawback.

All Goods for which Bill of Store cannot be issued in manner herein-after directed, except small Remnants of *British* Goods by special Permission of the Commissioners of His Majesty's Customs, upon Proof to their Satisfaction that the same are *British*, and had not been sold.

XXXIV. And be it further enacted, That the Person in whose Name any Goods so re-imported were entered for Exportation shall deliver to the Searcher at the Port of Exportation an exact Account, signed by him, of the Particulars of such Goods, referring to the Entry and Clearance Outwards and to the Return Inwards of the same, with the Marks and Numbers of the Packages, both Inwards and Outwards; and thereupon the Searcher, finding that such Goods had been legally exported, shall grant a Bill of Store for the same; and if the Person in whose Name such Goods were entered for Exportation was not the Proprietor thereof, but his Agent, he shall declare upon Oath on such Bill of Store the Name of the Person by whom he was employed as such Agent; and if the Person to whom such returned Goods are consigned shall not be such Proprietor and Exporter, he shall make and subscribe a Declaration on such Bill of Store of the Name of the Person for whose Use such Goods have been consigned to him; and the real Proprietor, ascertained to be such, shall make and subscribe a Declaration upon such Bill of Store, to the Identity of the Goods so exported and so returned, and that he was at the Time of Exportation and of Re-importation the Proprietor of such Goods, and that the same had not during such Time been sold or disposed of to any other Person; and such Declaration shall be made before the Collectors or Controllers at the Ports of Exportation and of Importation respectively; and thereupon the Collector and Controller shall admit such Goods to Entry by Bill of Store, and grant their Warrant accordingly.

Bill of Store, by whom may be taken out;

to be issued by Searcher.

Agent to declare Name of his Employer.

Consignee to declare who is Proprietor.

Proprietor to declare to Identity, and Property unchanged;

then Entry by Bill of Store to be granted.

Surplus Stores subject as Goods;

if not excessive, may be entered for private Use; or be warehoused for Use of the Ship.

XXXV. And be it further enacted, That the surplus Stores of every Ship arriving from Parts beyond the Seas, in the United Kingdom or in the *Isle of Man*, shall be subject to the same Duties, and the same Prohibitions, Restrictions, and Regulations, as the like Sorts of Goods shall be subject to when imported by way of Merchandize; but if it shall appear to the Collector and Controller that the Quantity or Description of such Stores is not excessive or unsuitable, under all the Circumstances of the Voyage, it shall be lawful

INWARDS.

Entry.

Goods from
Plantations;

Master to de-
liver Plantation
Clearance.

Certificate of
Growth of
Sugar, Coffee,
Cocoa, Spirits,
from Planta-
tions.

Master to de-
clare to Certi-
ficate.

Certificate of
Sugar from
Limits of
Charter;

Master to de-
clare to Certi-
ficate.

Certificate of
Wine, Produce
of Cape of
Good Hope;

Master to de-
clare to Certi-
ficate.

lawful for them to permit such surplus Stores to be entered for the private Use of the Master, Purser, or Owner of such Ship, or of any Passenger of such Ship to whom any such surplus Stores may belong, on Payment of the proper Duties, or to be warehoused for the future Use of such Ship, although the same could not be legally imported by way of Merchandize.

XXXVI. And be it further enacted, That no Goods shall be entered as being of or from any *British* Possession in *America* (if any Benefit attach to such Distinction) unless the Master of the Ship importing the same shall have delivered to the Collector or Controller a Certificate, under the Hand of the proper Officer of the Place where such Goods were taken on board, of the due Clearance of such Ship from thence, containing an Account of such Goods.

XXXVII. And be it further enacted, That before any Sugar, Coffee, Cocoa, or Spirits shall be entered as being of the Produce of some *British* Possession in *America*, or the Island of *Mauritius*, the Master of the Ship importing the same shall deliver to the Collector or Controller a Certificate, under the Hand of the proper Officer of the Place where such Goods were taken on board, testifying that Proof had been made in manner required by Law that such Goods are of the Produce of some *British* Possession in *America*, or of the Island of *Mauritius*, stating the Name of the Place where such Goods were produced, and the Quantity and Quality of the Goods, and the Number and Denomination of the Packages containing the same, and the Name of the Ship in which they are laden, and of the Master thereof; and such Master shall also make and subscribe a Declaration before the Collector or Controller, that such Certificate was received by him at the Place where such Goods were taken on board, and that the Goods so imported are the same as are mentioned therein.

XXXVIII. And be it further enacted, That before any Sugar shall be entered as being the Produce of any *British* Possession within the Limits of the *East India* Company's Charter, the Master of the Ship importing the same shall deliver to the Collector or Controller a Certificate under the Hand and Seal of the proper Officer at the Place where such Sugar was taken on board, testifying that Oath had been made before him, by the Shipper of such Sugar, that the same was really and *bond fide* the Produce of such *British* Possession; and such Master shall also make and subscribe a Declaration before the Collector or Controller, that such Certificate was received by him at the Place where such Sugar was taken on board, and that the Sugar so imported is the same as is mentioned therein.

XXXIX. And be it further enacted, That before any Wine shall be entered as being the Produce of the *Cape of Good Hope*, the Master of the Ship importing the same shall deliver to the Collector or Controller a Certificate under the Hand of the proper Officer of the *Cape of Good Hope* testifying that Proof had been made, in manner required by Law, that such Wine is of the Produce of the *Cape of Good Hope* or the Dependencies thereof, stating the Quantity and Sort of such Wine, and the Number and Denomination of the Packages containing the same; and such Master shall also make and subscribe a Declaration before the Collector or Controller, that such Certificate was received by him at the *Cape of Good*

Good Hope, and that the Wine so imported is the same as is mentioned therein.

XL. And be it further enacted, That it shall be lawful to import into the United Kingdom any Goods of the Produce or Manufacture of the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, from the said Islands respectively, without Payment of any Duty (except in the Cases herein-after mentioned); and that such Goods shall not be deemed to be included in any Charge of Duties imposed by any Act hereafter to be made on the Importation of Goods generally from Parts beyond the Seas: Provided always, that such Goods may nevertheless be charged with any Proportion of such Duties as shall fairly countervail any Duties of Excise, or any Coast Duty, payable on the like Goods the Produce of the Part of the United Kingdom into which they shall be imported: Provided also, that such Exemption from Duty shall not extend to any Manufactures of the said Islands made from Materials the Produce of any Foreign Country, except Manufactures of Linen and Cotton made in and imported from the *Isle of Man*.

INWARDS.

Entry.

Goods of
Guernsey,
Jersey, &c.

Duty-free;
with Excep-
tions.

Master to de-
liver Certificate
of Produce, and
declare to Cer-
tificate.

Treasury may
permit Produce
of Colonial
Fisheries to be
imported from
Guernsey, &c.

Vessels with
Stone from
Guernsey, &c.
not to be piloted.

Fish, British
taking and
curing, and
Lobsters and
Turbot, free of
Duty on Im-
portation.

XLI. And be it further enacted, That before any Goods shall be entered as being the Produce of the said Islands (if any Benefit attach to such Distinction) the Master of the Ship or Vessel importing the same shall deliver to the Collector or Controller a Certificate from the Governor, Lieutenant Governor, or Commander in Chief of the Island from whence such Goods were imported, that Proof had been made, in manner required by Law, that such Goods were of the Produce of such Island, stating the Quantity and Quality of the Goods, and the Number and Denomination of the Packages containing the same; and such Master shall also make and subscribe a Declaration before the Collector or Controller, that such Certificate was received by him at the Place where such Goods were taken on board, and that the Goods so imported are the same as are mentioned therein.

XLII. And be it further enacted, That it shall be lawful for the Lords Commissioners of His Majesty's Treasury, when and so long as they shall see fit, to permit any Goods the Produce of the *British* Possessions or Fisheries in *North America*, which shall have been legally imported into the Islands of *Guernsey* or *Jersey* direct from such Possessions, to be imported into the United Kingdom for Home Use direct from those Islands, under such Regulations as the said Commissioners shall direct, any thing in the Law of Navigation to the contrary notwithstanding.

XLIII. And be it further enacted, That no Vessel arriving on the Coast of *England* from *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, wholly laden with Stone the Production thereof, shall be liable to be conducted or piloted by Pilots appointed and licensed by the Corporation of the Trinity House of *Deptford Strond*, any Law, Custom, or Usage to the contrary notwithstanding.

XLIV. And be it further enacted, That fresh Fish of every kind, of *British* taking and imported in *British* Ships, and fresh Lobsters and Turbot, however taken or in whatever Ship imported, and cured Fish of every kind, of *British* taking and curing, imported in *British* Ships, shall be imported free of all Duties, and shall not be deemed to be included in any Charge of Duty imposed by any Act hereafter to be made on the Importation of Goods generally:

Declaration of Master.

rally: Provided always, that before any cured Fish shall be entered free of Duty, as being of such taking and curing, the Master of the Ship importing the same shall make and subscribe a Declaration before the Collector or Controller, that such Fish was actually caught and taken in *British* Ships, and cured by the Crews of such Ships, or by His Majesty's Subjects.

Certificate of Blubber, Train Oil, &c. British Colonial taking.

XLV. And be it further enacted, That before any Blubber, Train Oil, Spermaceti Oil, Head Matter, or Whale Fins shall be entered as being the Produce of Fish or Creatures living in the Sea taken and caught wholly by His Majesty's Subjects usually residing in some Part of His Majesty's Dominions, and imported from some *British* Possession, the Master of the Ship importing the same shall deliver to the Collector or Controller a Certificate under the Hand of the proper Officer of such *British* Possession where such Goods were taken on board, (or if no such Officer be residing there, then a Certificate under the Hands of Two principal Inhabitants at the Place of Shipment,) notifying that Oath had been made before him or them, by the Shipper of such Goods, that the same were the Produce of Fish or Creatures living in the Sea taken wholly by *British* Vessels owned and navigated according to Law; and such Master shall also make and subscribe a Declaration before the Collector or Controller, that such Certificate was received by him at the Place where such Goods were taken on board, and that the Goods so imported are the same as mentioned therein; and the Importer of such Goods shall also make and subscribe a Declaration before the Collector or Controller, at the Time of Entry, that to the best of his Knowledge and Belief the same were the Produce of Fish or Creatures living in the Sea taken wholly by *British* Vessels in manner aforesaid.

Declaration of Master and Importer.

Before Entry of Blubber, &c. of British fishing, Master and Importer to make Declaration of the same.

XLVI. And be it further enacted, That before any Blubber, Train Oil, Spermaceti Oil, Head Matter, or Whale Fins, imported direct from the Fishery, shall be entered as being the Produce of Fish or Creatures living in the Sea taken and caught wholly by the Crews of Ships cleared out from the United Kingdom, or from one of the Islands of *Guernsey, Jersey, Alderney, Sark, or Man*, the Master of the Ship importing such Goods shall make and subscribe a Declaration, and the Importer of such Goods (to the best of his Knowledge and Belief) shall make and subscribe a Declaration, that the same are the Produce of Fish or Creatures living in the Sea taken and caught wholly by the Crew of such Ship, or by the Crew of some other Ship (naming the Ship) cleared out from the United Kingdom, or from one of the Islands of *Guernsey, Jersey, Alderney, Sark, or Man* (stating which).

Blubber from Greenland may be boiled, and entered as Oil imported, and be exported as such.

XLVII. And be it further enacted, That it shall be lawful upon the Return of any Ship from the *Greenland* Seas or *Davis's Straits* to the United Kingdom with any Blubber, being the Produce of Whales or other Creatures living in the Sea, for the Importers thereof to cause the same to be boiled into Oil at the Port of Importation, under the Care and Inspection of the proper Officers of the Customs; and the Oil so produced shall be admitted to Entry, and the Duties be paid thereon, as if imported in that State, and such Oil shall not afterwards, if the same come to be exported, be subject to Duty of Exportation, as a Manufacture of the United Kingdom.

XLVIII. And

XLVIII. And be it further enacted, That no Goods shall be deemed to be imported from any particular Place unless they be imported direct from such Place, and shall have been there laden on board the importing Ship, either as the first Shipment of such Goods, or after the same shall have been actually landed at such Place.

INWARDS.

Entry.Importation
direct.

XLIX. And be it further enacted, That it shall be lawful for the Owner or Salvor of any Property liable to the Payment of Duty saved from Sea, and in respect of which any Sum shall have been awarded under any Law at the Time in force, or in respect of which any Sum shall have been paid or agreed to be paid by the Owner thereof or his Agent, to the Salvors, to defray the Salvage of the same, to sell so much of the Property so saved as will be sufficient to defray the Salvage so awarded, or such other Sum so paid or agreed to be paid; and that upon the Production of an Award made in execution of any such Law to the Commissioners of His Majesty's Customs, or upon Proof to the Satisfaction of the said Commissioners that such Sum of Money has been paid, or has been agreed to be paid, the said Commissioners are hereby empowered and required to allow the Sale of such Property aforesaid, free from the Payment of all Duties to the Amount of such Sum so awarded, paid, or agreed to be paid, or to the Amount of such other Sum as to the said Commissioners shall seem just and reasonable: Provided always, that if such Owner or Salvor shall be dissatisfied with any Determination of the said Commissioners as to the Amount of such Property to be sold Duty-free, it shall be lawful for such Owner or Salvor to refer any such Determination of the said Commissioners to the Judgment and Revision of the High Court of Admiralty; and in that Case such Sale shall be suspended until the Decision of such Court shall have been had thereon.

Salvor may sell
Goods sufficient
to defray Sal-
vage.

L. And be it further enacted, That all Foreign Goods, derelict, jetsam, flotsam, and wreck, brought or coming into the United Kingdom or into the *Isle of Man*, shall at all Times be subject to the same Duties as Goods of the like Kind imported into the United Kingdom respectively are subject to: Provided always, that if, for ascertaining the proper Amount of Duty so payable, any Question shall arise as to the Origin of any such Goods, the same shall be deemed to be of the Growth, Produce, or Manufacture of such Country or Place as the Commissioners of His Majesty's Customs shall upon Investigation by them determine: Provided also, that if any such Goods be of such Sorts as are entitled to Allowance for Damage, such Allowance shall be made under such Regulations and Conditions as the said Commissioners shall from Time to Time direct: Provided also, that all such Goods as cannot be sold for the Amount of Duty due thereon shall be delivered over to the Lord of the Manor or other Person entitled to receive the same, and shall be deemed to be unenumerated Goods, and shall be liable to and be charged with Duty accordingly.

Foreign Goods
derelict, &c. to
be subject to
same Duties as
on Importation.If not worth
their Duty, how
to be treated.

LI. And be it further enacted, That if any Person shall have Possession of any such Goods, either on Land or within any Port in the United Kingdom, and shall not give Notice thereof to the proper Officer of the Customs within Twenty-four Hours after such Possession, or shall not on Demand pay the Duties due thereon, or deliver

Persons having
such Goods in
Possession,
without Notice,
liable to a
Penalty of 100%.

INWARDS.

Entry.

Lord of Manor
or Salvor may
retain such
Goods on giving
Bond for Pay-
ment of Duties.

Goods under
Excise Permit
Regulations.

Officers of Ex-
cise may attend
Delivery.

Commissioners
of Customs may
direct certain
Goods to be
stamped.

deliver the same into the Custody of the proper Officer of the Customs, such Person shall forfeit the Sum of One hundred Pounds; and if any Person shall remove or alter in Quantity or Quality any such Goods, or shall open or alter any Package containing any such Goods, or shall cause any such Act to be done, or assist therein, before such Goods shall be deposited in a Warehouse in the Custody of the Officers of the Customs, every such Person shall forfeit the Sum of One hundred Pounds; and in default of the Payment of the Duties on such Goods within Eighteen Months from the Time when the same were so deposited, the same may be sold in like Manner and for the like Purposes as Goods imported may in such Default be sold: Provided always, that any Lord of the Manor having by Law just Claim to such Goods, or if there be no such Lord of the Manor, then the Person having Possession of the same, shall be at liberty to retain the same in his own Custody, giving Bond, with Two sufficient Sureties, to be approved by the proper Officer of the Customs, in Treble the Value of such Goods, for the Payment of the Duties thereon at the End of One Year and One Day, or to deliver such Goods to the proper Officer of the Customs in the same State and Condition as the same were in at the Time of taking possession thereof.

LII. 'And whereas it may be expedient to subject some Sorts of Goods imported into the United Kingdom to certain internal Regulations and Restraints after the full Duties of Customs have been paid thereon, and to place such Regulations and Restraints under the Management of the Commissioners of Excise;' be it therefore enacted, That no Goods which are subject to any Regulations of Excise shall be taken or delivered out of the Charge of the Officers of Customs (although the same may have been duly entered with them, and the full Duties due thereon may have been paid,) until such Goods shall also have been duly entered with the Officers of Excise, and Permit granted by them for Delivery of the same, nor unless such Permit shall correspond in all Particulars with the Warrant of the Officers of the Customs: Provided always, that such Entry shall not be received by the Officers of the Excise, nor such Permit granted by them, until a Certificate shall have been produced to them of the Particulars of the Goods, and of the Warrant for the same, under the Hand of the Officers of the Customs who shall have the Charge of the Goods: Provided also, that if upon any Occasion it shall appear necessary, it shall be lawful for the proper Officers of Excise to attend the Delivery of such Goods by the Officers of the Customs, and to require that such Goods shall be delivered only in their Presence; and it shall be lawful for such Officers of Excise to count, measure, gauge, or weigh any such Goods, and fully to examine the same, and to proceed in all respects relating to such Goods in such Manner as they shall be authorized or required by any Act for the Time being in force relating to the Excise.

LIII. 'And whereas by the Laws now in force certain Articles subject to an Inland Duty of Excise are required to be stamped, to denote the Payment of such Duty; and to prevent Fraud in the Evasion of such Duty, it is expedient that Foreign Articles of a similar Description, when imported into the United Kingdom, should be stamped with such Mark or Stamp as the Commissioners

‘ of His Majesty’s Customs may deem necessary, in order to distinguish the Foreign from the *British* Article;’ be it therefore enacted, That it shall and may be lawful for the Commissioners of His Majesty’s Customs, and they are hereby authorized, after any Goods have been entered at the Custom House, and before the same shall be discharged by the Officers, and delivered into the Custody of the Importer or his Agent, to mark or stamp such Goods in such Manner and Form as they may deem fit and proper for the Security of the Revenue, and by such Officer as they shall direct and appoint for that Purpose.

INWARDS.
Entry.
—

LIV. And be it further enacted, That every Order made by the said Commissioners of His Majesty’s Customs in respect of marking or stamping any Goods shall be published in the *London Gazette* and *Dublin Gazette*.

Orders for stamping Goods to be published.

LV. And be it further enacted, That if any Person or Persons shall at any Time forge or counterfeit any Mark or Stamp to resemble any Mark or Stamp which shall be provided and used for the Purposes of this Act, or shall forge or counterfeit the Impression of any such Mark or Stamp, or shall sell or expose to Sale, or have in his, her, or their Custody or Possession, any Goods with a counterfeit Mark or Stamp, knowing the same to be counterfeit, or shall use or affix any such Mark or Stamp to any other Goods required to be stamped as aforesaid other than that to which the same was originally affixed, all and every such Offender or Offenders, and his, her, or their Aiders, Abettors, and Assistants, shall for every such Offence forfeit and pay the Sum of Two hundred Pounds.

Penalty 200*l.* on forging such Stamps.

LVI. And be it further enacted, That no Goods whatever (except Diamonds, Bullion, fresh Fish of *British* taking and imported in *British* Ships, and Turbots and Lobsters,) shall be unshipped from any Ship arriving from Parts beyond the Seas, or landed or put on shore, but only on Days not being *Sundays* or Holidays, and in the Day-time, (that is to say,) from the First Day of *September* until the last Day of *March* between Sun-rising and Sun-setting, and from the last Day of *March* to the First Day of *September* between the Hours of Seven of the Clock in the Morning and Four of the Clock in the Afternoon; nor shall any Goods, except as aforesaid, be so unshipped or landed unless in the Presence or with the Authority of the proper Officer of the Customs; and such Goods, except as aforesaid, shall be landed at one of the legal Quays appointed by His Majesty for the landing of Goods, or at some Wharf, Quay, or Place appointed by the Commissioners of the Customs for the landing of Goods by Sufferance; and that no Goods, except as aforesaid, after having been unshipped shall be transhipped, or after having been put into any Boat or Craft to be landed shall be removed into any other Boat or Craft previously to their being duly landed, without the Permission or Authority of the proper Officer of the Customs.

Times and Places for landing Goods.

LVII. And be it further enacted, That the unshipping, carrying, and landing of all Goods, and the bringing of the same to the proper Place after landing, for Examination or for weighing, and the putting of the same into the Scales, and the taking of the same out of and from the Scales after weighing, shall be performed by or at the Expence of the Importer.

Goods to be unshipped, &c. at the Expence of Importer.

INWARDS.

Entry.

Prohibitions
and Restrictions
absolute or
modified.

Prohibitions
and
Restrictions.

LVIII. And be it further enacted, That the several Sorts of Goods enumerated or described in the Table following, denominated "A Table of Prohibitions and Restrictions Inwards," shall either be absolutely prohibited to be imported into the United Kingdom, or shall be imported only under the Restrictions mentioned in such Table, according as the several Sorts of such Goods are respectively set forth therein ; (that is to say,)

A TABLE OF PROHIBITIONS AND RESTRICTIONS INWARDS.

A LIST of GOODS absolutely PROHIBITED to be IMPORTED.

Arms, Ammunition, and Utensils of War, by way of Merchandize, except by Licence from His Majesty, for furnishing His Majesty's public Stores only.

Beef, fresh or corned or slightly salted.

Books; viz.

— first composed or written or printed in the United Kingdom, and printed or reprinted in any other Country, imported for Sale, except Books not reprinted in the United Kingdom within Twenty Years ; or being Parts of Collections, the greater Parts of which had been composed or written Abroad.

Cattle, great.

Clocks and Watches of any Metal, impressed with any Mark or Stamp appearing to be or to represent any legal *British* Assay, Mark, or Stamp, or purporting by any Mark or Appearance to be of the Manufacture of the United Kingdom, or not having the Name and Place of Abode of some Foreign Maker Abroad visible on the Frame and also on the Face, or not being in a complete State, with all the Parts properly fixed in the Case.

Coin; viz.

— False Money, or Counterfeit Sterling.

— Silver, of the Realm, or any Money purporting to be such, not being of the established Standard in Weight or Fineness.

Fish of Foreign taking or curing, or in Foreign Vessels ; except Turbots and Lobsters, Stock Fish, live Eels, Anchovies, Sturgeon, Botargo, and Caviare.

Gunpowder ; except by Licence from His Majesty, such Licence to be granted for the furnishing His Majesty's Stores only.

Lamb.

Malt.

Mutton.

Pork, fresh or corned or slightly salted.

Sheep.

Snuff-work.

Spirits from the *Isle of Man*.

Swine.

Tobacco Stalks stripped from the Leaf, whether manufactured or not.

Tobacco Stalk Flour.

LIST of GOODS subject to certain RESTRICTIONS on IMPORTATION.

China, Goods from, unless by the *East India* Company, and into the Port of *London*, during the Continuance of their exclusive Privileges of Trade.

East

repealed by
516 bc 47, 23

INWARDS.

Prohibitions
and
Restrictions.

East India; Goods of Places within the Limits of the *East India* Company's Charter, unless into such Ports as shall be approved of by the Lords of the Treasury, and declared by Order in Council to be fit and proper for such Importation.

Gloves of Leather, unless in Ships of 70 Tons or upwards, and in Packages containing 100 Dozen Pairs of such Gloves.

Hides, Skins, Horns, or Hoofs, or any other Part of Cattle or Beast, His Majesty may by Order in Council prohibit, in order to prevent any contagious Distemper.

Parts of Articles; viz.

Any distinct or separate Part of any Article not accompanied by the other Part or all the other Parts of such Article, so as to be complete and perfect, if such Article be subject to Duty according to the Value thereof.

Silk; Manufactures of Silk, being the Manufactures of *Europe*, unless into the Port of *London*, or into the Port of *Dublin* direct from *Bordeaux*, or into the Port of *Dover* direct from *Calais*, and unless in a Ship or Vessel of 70 Tons or upwards, or into the Port of *Dover* in a Vessel of the Burthen of 60 Tons at least, with Licence of the Commissioners of the Customs.

Spirits, not being perfumed or medicinal Spirits; viz.

All Spirits, unless in Ships of 70 Tons or upwards.

Rum of and from the *British* Plantations, if in Casks, unless in Casks containing not less than 20 Gallons.

All other Spirits, if in Casks, unless in Casks containing not less than 40 Gallons.

Tea; unless from the Place of its Growth, and by the *East India* Company, and into the Port of *London*, during the Continuance of their exclusive Privileges of Trade.

Tobacco and Snuff; viz.

unless in a Ship of the Burthen of 120 Tons or upwards.

Tobacco of and imported from the State of *Colombia*, and made up in Rolls, unless in Packages containing at least 320 lbs. Weight of such Rolls.

Segars, unless in Packages containing 100 lbs. Weight of Segars.

All other Tobacco and Snuff, unless in Hogsheads, Casks, Chests, or Cases, each of which shall contain of net Tobacco or Snuff at least 100 lbs. Weight if from the *East Indies*, or 450 lbs. Weight if from any other Place, and not packed in Bags or Packages within any such Hogshead, Cask, Chest, or Case, nor separated nor divided in any Manner whatever, except Tobacco of the Dominions of the *Turkish* Empire, which may be packed in inward Bags or Packages, or separated or divided in any Manner within the outward Package, provided such outward Package be a Hogshead, Cask, Chest, or Case, and contain 450 lbs. Net at least.

and unless the particular Weight of Tobacco or Snuff in each Hogshead, Cask, Chest, or Case, with the Tare of the same, be marked thereon.

INWARDS.

Prohibitions

and

Restrictions.

Tobacco and Snuff—*continued.*

— and unless into the Ports of *London, Liverpool, Bristol, Lancaster, Cowes, Falmouth, Whitehaven, Hull, Port Glasgow, Greenock, Leith, Newcastle-upon-Tyne, Plymouth, Belfast, Cork, Drogheda, Dublin, Galway, Limerick, Londonderry, Newry, Sligo, Waterford, and Wexford.*

— or into some other Port or Ports which may hereafter be appointed for such Purpose by the Lords Commissioners of His Majesty's Treasury; such Appointments in *Great Britain* being published in the *London Gazette*, and such Appointments in *Ireland* being published in the *Dublin Gazette*.

— but any Ship wholly laden with Tobacco may come into the Ports of *Cowes* or *Falmouth* to wait for Orders, and there remain Fourteen Days, provided due Report of such Ship be made by the Master with the Collector or Controller of such Port.

And all Goods from the *Isle of Man*, except such as be of the Growth, Produce, or Manufacture thereof.

Forfeiture.

And if any Goods shall be imported into the United Kingdom contrary to any of the Prohibitions or Restrictions mentioned in such Table in respect of such Goods, the same shall be forfeited.

But Goods may be warehoused for Exportation only, although prohibited.

LIX. Provided always, and be it further enacted, That any Goods, of whatsoever Sort, may be imported into the United Kingdom to be warehoused under the Regulations of any Act in force for the Time being for the warehousing of Goods, without Payment of Duty at the Time of the first Entry thereof, or notwithstanding that such Goods may be prohibited to be imported into the United Kingdom to be used therein, except the several Sorts of Goods enumerated or described in manner following; (that is to say,) Goods prohibited on account of the Package in which they are contained, or the Tonnage of the Ship in which they are laden; Tea and Goods from *China* in other than *British* Ships, or by other Persons than the *East India* Company during the Continuance of their exclusive Privileges of Trade; Gunpowder, Arms, Ammunition, or Utensils of War; dried or salted Fish, not being Stock Fish; infected Hides, Skins, Horns, Hoofs, or any other Part of any Cattle or Beast; counterfeit Coin or Tokens; Books first composed or written or printed and published in the United Kingdom, and reprinted in any other Country or Place; Copies of Prints first engraved, etched, drawn, or designed in the United Kingdom; Copies of Casts of Sculptures or Models first made in the United Kingdom; Clocks or Watches, being such as are prohibited to be imported for Home Use.

Exceptions.

Goods to be entered to be warehoused for Exportation only.

LX. And be it further enacted, That if by reason of the Sort of any Goods or of the Place from whence, or the Country, or Navigation of the Ship in which any Goods have been imported, they be such or be so imported as that they may not be used in the United Kingdom, they shall not be entered except to be warehoused, and it shall be declared upon the Entry of such Goods that they are entered to be warehoused for Exportation only.

LXI. ' And

LXI. ' And whereas it is expedient that the Officers of Customs ' should have full Cognizance of all Ships departing from any Port ' or Place in the United Kingdom or in the *Isle of Man* for Parts ' beyond the Seas, and of all Goods taken out of the United ' Kingdom or out of the *Isle of Man*; and it is therefore neces- ' sary to make Regulations for the entering and clearing outwards ' of all such Ships, and for the entering, clearing, and shipping of ' all such Goods;' be it therefore enacted, That no Goods shall be shipped, or waterborne to be shipped, on board any Ship in any Port or Place in the United Kingdom or in the *Isle of Man*, to be carried to Parts beyond the Seas, before due Entry Outwards of such Ship and due Entry of such Goods shall have been made, and Cocket granted, nor before such Goods shall have been duly cleared for Shipment in manner herein-after directed; and that no Stores shall be shipped for the Use of any such Ship bound to Parts beyond the Seas, nor shall any Goods be deemed or admitted to be such Stores, except such as shall be borne upon the Victualling Bill duly granted for such Ship; and that no Goods shall be so shipped, or waterborne to be so shipped, except at such Times and Places, and in such Manner, and by such Persons, and under the Care of such Officers, as is and are herein-after directed; and all Goods and Stores which shall be shipped or be waterborne to be shipped contrary hereto shall be forfeited.

LXII. And be it further enacted, That no Ship on board of which any Goods or Stores shall have been shipped in any Port in the United Kingdom or in the *Isle of Man* for Parts beyond the Seas shall depart from such Port until such Ship shall have been duly cleared Outwards for her intended Voyage, in manner herein-after directed, under Forfeiture of the Sum of One hundred Pounds by the Master of such Ship.

LXIII. And be it further enacted, That the Master of every Ship which is to depart from any Port in the United Kingdom or in the *Isle of Man*, for Parts beyond the Seas, shall, upon due Application made by him, receive from the Searcher a Victualling Bill for the Shipment of such Stores as he shall require, and as shall be allowed by the Collector and Controller, for the Use of such Ship, according to the Voyage upon which she is about to depart; and that no Articles taken on board any Ship shall be deemed to be Stores except such as shall be borne upon the Victualling Bill for the same.

LXIV. And be it further enacted, That the Master of every Ship in which any Goods are to be exported from the United Kingdom or from the *Isle of Man* to Parts beyond the Seas shall, before any Goods be taken on board, deliver to the Collector or Controller a Certificate from the proper Officer of the Clearance Inwards or Coastwise of such Ship of her last Voyage, specifying what Goods, if any, have been reported Inwards for Exportation, and shall also deliver to the Collector or Controller an Account, signed by the Master or his Agent, of the Entry Outwards of such Ship for her intended Voyage, setting forth the Name and Tonnage of the Ship, the Name of the Place to which she belongs if a *British* Ship, or of the Country if a Foreign Ship, the Name of the Master, and the Name or Names of the Place or Places for which she is bound, if any Goods are to be shipped for the same, and the Name of the

OUTWARDS.

General
Provision.

—
Goods not to be shipped till Entry of Ship and Entry of Goods and Cocket granted;

nor till cleared; nor Stores without Victualling Bill.

Proper Times and Places, and Officers; or forfeited.

Ships to be cleared, or Master to forfeit 100*l*.

Victualling Bill for Stores.

Ship's Entry.

—
Master to deliver Certificate of Clearance of last Voyage, and to make Entry Outwards.

Particulars of Entry.

OUTWARDS.

Ship's Entry.

Place in such Port at which she is to take in her Lading for such Voyage; and if such Ship shall have commenced her Lading at some other Port, the Master shall state the Name of any Port at which any Goods have been laden, and shall produce a Certificate from the Searcher that the Cockets for such Goods have been delivered to him; and the Particulars of such Account shall be written and arranged in such Form and Manner as the Collector and Controller shall require; and such Account shall be the Entry Outwards of such Ship, and shall be entered in a Book to be kept by the Collector, for the Information of all Parties interested; and if any Goods be taken on board any Ship before she shall have been entered Outwards, the Master shall forfeit the Sum of One hundred Pounds: Provided always, that where it shall become necessary to lade any heavy Goods on board any Ship before the whole of the Inward Cargo is discharged, it shall be lawful for the Collector and Controller to issue a Stiffning Order for that Purpose, previous to the Entry Outwards of the Ship.

Entry of Goods.

Bill of the Entry to be delivered.

Particulars.

Payment of Duties.

Cocket to be granted.

Person entering Goods responsible for Cocket.

Goods for Drawback or Bounty;
Duty Goods;

Goods under Restriction;

Ad valorem Goods.

Declaration of Value.

LXV. And be it further enacted, That the Person entering Outwards any Goods to be exported to Parts beyond the Seas, from any Port in the United Kingdom or in the *Isle of Man*, shall deliver to the Collector or Controller a Bill of the Entry thereof, fairly written in Words at Length, expressing the Name of the Ship and of the Master, and of the Place to which the Goods are to be exported, and of the Person in whose Name the Goods are to be entered, and the Quantities and proper Denominations or Descriptions of the several Sorts of Goods, and shall pay down any Duties which may be due upon the Exportation of any such Goods; and such Person shall also deliver at the same Time One or more Duplicates of such Bill, in which all Sums and Numbers may be expressed in Figures; and the Particulars to be contained in such Bill shall be written and arranged in such Form and Manner, and the Number of such Duplicates shall be such, as the Collector and Controller shall require; and thereupon the Collector and Controller shall cause a Cocket to be written for such Goods, making it known that such Goods have been so entered; and every Cocket shall be signed by such Collector and Controller, and be delivered to the Person who shall have made such Entry, and such Person shall keep and be responsible for the proper Use of the same.

LXVI. And be it further enacted, That if any Drawback or Bounty be allowable upon the Exportation of any such Goods, or any Duty be payable thereon, or any Exemption from Duty claimed, or if any such Goods be exportable only according to some particular Rule or Regulation, or under some Restriction or Condition, or for some particular Purpose or Destination, such Goods shall be entered and cleared for Shipment by such Denominations or Descriptions as are used, mentioned, or referred to in the granting of such Drawback or Bounty, or in the levying of such Duty, or granting such Exemption, or in the directing of such Rules, Regulations, Restrictions, Conditions, Purpose, or Destination; and if the Goods in such Entry are charged to pay Duty according to the Value thereof, such Value shall be stated in the Entry, and shall be affirmed by the Declaration of the Exporter or his known Agent, to be made upon the Entry, and attested by his Signature; and if any Person shall make such Declaration, not

being the Exporter of such Goods, nor his Agent duly authorized by him, such Person shall forfeit the Sum of One hundred Pounds; and such Declaration shall be made in Manner and Form following, and shall be binding upon the Person making the same; (that is to say,)

' [*A. B.* of [*Place of Abode*] do hereby declare, That I am the
' Exporter of the Goods mentioned in this Entry, [*or, that I*
' am duly authorized by him,] and I do enter the same at the
' Value of Witness my Hand the
' Day of , *A. B.*'

OUTWARDS.

Entry of Goods.

Form of Declaration.

Goods undervalued detained.

For Drawback, or from Warehouse, or Duties to be first paid Manner of Entry.

Certificate Inwards.

Particulars.

Coals Export Bond to Isle of Man and British Possessions.

LXVII. And be it further enacted, That if upon Examination it shall appear to the Officers of the Customs that such Goods are not valued according to the true Value thereof, the same may be detained, and (within Two Days) taken and disposed of for the Benefit of the Crown, in like Manner as is herein-before provided in respect of Goods imported, except that no Sum in addition to the Amount of the Valuation and the Duties paid shall be paid to the Exporter or Proprietor of the Goods.

LXVIII. And be it further enacted, That the Person intending to enter Outwards any Foreign Goods for Drawback, at any other Port than that at which the Duties Inwards on such Goods had been paid, shall first deliver to the Collector or Controller of the Port where the Duties on such Goods were paid Two or more Bills, as the Case may require, of the Particulars of the Importation of such Goods, and of the Entry Outwards intended to be made; and thereupon such Collector and Controller, finding such Bills to agree with the Entry Inwards, shall write off such Goods from the same, (and shall issue a Certificate of such Entry, with such Particulars thereof as shall be necessary for the Computation of the Drawback allowable on such Goods, and setting forth in such Certificate the Destination of the Goods, and the Person in whose Name they are to be entered for Exportation, and also the Name of such other Port; and such Certificate, together with Two or more Bills of the same, as the Case may require, in which all Sums and Numbers may be expressed in Figures, being delivered to the Collector or Controller of the Port from which the Goods are to be exported, shall be the Entry Outwards of such Goods; and such Collector and Controller shall thereupon cause a Cocket to be written and delivered for such Goods, in manner herein-before directed.

LXIX. And be it further enacted, That no Cocket shall be granted for the Exportation of any Coals to the *Isle of Man*, or to any *British* Possession, until the Exporter thereof shall have given Security by Bond in a penal Sum of Forty Shillings the Chaldron, with Condition that the same shall be landed at the Place for which they shall be exported, or otherwise accounted for to the Satisfaction of the Commissioners of the Customs; and also with Condition to produce (within such Time as the said Commissioners shall require, to be expressed in such Bond) a Certificate of the landing of such Coals at such Place, under the Hand of the Collector or Controller or other proper Officer at such Place: Provided always, that the Bond so to be given in respect of Coals shall not be liable to any Duty of Stamps.

OUTWARDS.

Clearance of Goods.

—
Packages to be indorsed on Cocket.

Marks and Numbers and total Quantities.

Bounty, Drawback, or Duty Goods, or Goods under particular Conditions.

Goods not cleared forfeited.

Cocket indorsed.

Shipping Bill.

Order of Searcher for Shipment.

Coals brought Coastwise may be exported without landing.

Export of Free Goods.

Account of Value to be delivered to the Searcher.

LXX. And be it further enacted, That before any Part of the Goods for which any Cocket shall have been granted shall be shipped or waterborne to be shipped, the same shall be duly cleared for Shipment with the Searcher; and before any Goods be cleared for Shipment, the Particulars of the Goods for each Clearance shall be indorsed on such Cocket, together with the Number and Denomination or Description of the respective Packages containing the same; and in the Margin of each such Indorsement shall be delineated the respective Marks and Numbers of such Packages; and to each such Indorsement shall be subjoined, in Words at Length, an Account of the total Quantities of each Sort of Goods intended in such Indorsement, and the total Number of each Sort of Package in which such Goods are contained, distinguishing such Goods, if any, as are to be cleared for any Bounty or Drawback of Excise or Customs, and also such Goods, if any, as are subject to any Duty on Exportation, or entitled to any Exemption from such Duty, and also such Goods, if any, as can only be exported by virtue of some particular Order or Authority, or under some particular Restriction or Condition, or for some particular Purpose or Destination; and all Goods shipped or waterborne to be shipped, not being duly cleared as aforesaid, shall be forfeited.

LXXI. And be it further enacted, That the Person clearing such Goods for Shipment shall upon each Occasion produce the Cocket so indorsed to the Searcher, and shall also deliver a Shipping Bill or Copy of such Indorsement, referring by Names and Date to the Cocket upon which such Indorsement is made, and shall obtain the Order of the Searcher for the Shipment of such Goods; and the Particulars to be contained in such Indorsement and in such Shipping Bill shall be written and arranged in such Form and Manner as the Collector and Controller shall require.

LXXII. And be it further enacted, That if any Coals shall have been brought Coastwise from one Port of the United Kingdom to another, and the Master shall be minded to proceed with such Coals or any Part of them to Parts beyond the Seas, it shall be lawful for such Master to enter such Ship and such Coals Outwards for the intended Voyage without first landing the Coals intended for Exportation, provided the Officers of the Customs shall be satisfied that the Quantity of Coals left on board does not exceed the Quantity so entered Outwards.

LXXIII. And in order that correct Accounts may be taken of the Value of the Exports of Free Goods; be it further enacted, That upon the Clearance for Shipment of any Goods the Produce or Manufacture of the United Kingdom, not liable to any Export Duty, an Account, containing an accurate Specification of the Quantity, Quality, and Value of such Goods, together with a Declaration to the Truth of the same, signed by the Exporter or his known Agent, shall be delivered to the Searcher by the Person clearing such Goods; and if such Declaration be false, the Person signing the same shall forfeit the Sum of Twenty Pounds; and that it shall be lawful for the Searcher to call for the Invoice, Bills of Parcels, and such other Documents relating to the Goods as he may think necessary for ascertaining the true Value of the same: Provided always, that if such Exporter or Agent shall make and

subscribe

subscribe a Declaration before the Collector or Controller, that the Value of the Goods cannot be ascertained in Time for the Shipment of the same, and such Declaration shall be delivered to the Searcher at the Time of Clearance, a further Time of Three Months shall be allowed for the Delivery of such separate Shipping Bill, on failure whereof such Exporter or Agent shall forfeit the Sum of Twenty Pounds.

LXXIV. And be it further enacted, That no Drawback of Excise shall be allowed upon any Goods so cleared, unless the Person intending to claim such Drawback shall have given due Notice to the Officer of Excise, in Form and Manner required by any Law in force relating to the Excise, and shall have obtained and have produced to the Searcher at the Time of clearing such Goods a proper Document under the Hand of the Officer of Excise, containing the necessary Description of the Goods for which such Drawback is to be claimed; and if the Goods to be cleared and shipped under the Care of the Searchers shall, upon Examination, be found to correspond in all respects with the Particulars of the Goods contained in such Document, and such Goods shall be duly shipped and exported, the Searcher shall, if required, certify such Shipment upon such Document, and shall transmit the same to the Officer of Excise.

LXXV. And be it further enacted, That it shall be lawful for the Officer of Excise, if he see fit, to attend and assist at such Examination, and to mark or seal the Packages, and to keep joint Charge of the same, together with the Searcher, until the same shall have been finally delivered by him into the sole Charge of the Searcher, to be shipped and exported under his Care.

LXXVI. And be it further enacted, That if any Goods which are subject to any Duty or Restriction in respect of Exportation, or if any Goods which are to be shipped for any Drawback or Bounty, shall be brought to any Quay, Wharf, or other Place, to be shipped for Exportation, and such Goods shall not agree with the Indorsement on the Cocket, or with the Shipping Bill, the same shall be forfeited; and if any Goods prohibited to be exported be found in any Package brought as aforesaid, such Package and every thing contained therein shall be forfeited.

LXXVII. And be it further enacted, That it shall be lawful for the Searcher to open all Packages, and fully to examine all Goods shipped or brought for Shipment at any Place in the United Kingdom or in the *Isle of Man*; and if the Goods so examined shall be found to correspond in all respects with the Cocket and Clearance purporting to be for the same, such Goods shall be repacked at the Charge of such Searcher, who may be allowed such Charge by the Commissioners of the Customs, if they shall see fit so to do.

LXXVIII. And be it further enacted, That before any Ship shall be cleared Outwards at any Port in the United Kingdom or in the *Isle of Man*, for Parts beyond the Seas, with any Goods shipped on board the same in such Port, the Master shall deliver a Content of such Ship to the Searcher, setting forth the Name and Tonnage of such Ship, and the Place or Places of her Destination, and the Name of the Master, and also an Account of the Goods shipped on board, and of the Packages containing such Goods, and

OUTWARDS.

Clearance of
Goods.Goods for Ex-
cise Drawback.Notice to Officer
of Excise.Excise Order to
Searcher.Shipment certi-
fied.Officer of Ex-
cise may attend
Examination.Goods for Duty,
Bounty, or
Drawback, &c.
brought for
Shipment.Searcher may
open any Pack-
age; but if
correct, must
repack.Clearance of
Ship.Content to be
delivered to
Searcher.
Particulars.

OUTWARDS.

Clearance of
Ship.

Cockets to be
delivered by
Shippers to
Searcher to be
filed.

Master to de-
clare to Con-
tent.

Clearance noti-
fied on Content,
on File, and on
Vitualling
Bill, and in
Book.

File of Cockets
and Vitualling
Bill delivered
to Master as the
Clearance.

In Ballast.

Master to
answer.

Clearance noti-
fied on Vitual-
ling Bill and in
Book.

Part of former
Cargo reported
for Exportation.

and of the Marks and Numbers upon such Packages, and a like Account of the Goods on board, if any, which had been reported Inwards for Exportation in such Ship, so far as any of such Particulars can be known by him; and also, before the Clearance of such Ship, the Cockets, with the Indorsements and Clearances thereon for the Goods shipped, shall be finally delivered by the respective Shippers of such Goods to the Searcher, who shall file the same together, and shall attach with a Seal a Label to the File, showing the Number of Cockets contained in the File, and shall compare the Particulars of the Goods in the Cockets with the Particulars of the Goods in such Content, and shall attest the Correctness thereof by his Signature on the Label and on the Content; and the Master of the Ship shall make and sign a Declaration before the Collector or Controller to the Truth of such Content, and shall also answer to the Collector or Controller such Questions concerning the Ship, the Cargo, and the intended Voyage, as shall be demanded of him; and thereupon the Collector or Controller shall clear such Ship for her intended Voyage, and shall notify such Clearance and the Date thereof upon the Content, and upon the Label to the File of Cockets, and upon the Vitualling Bill, and also in the Book of Ships Entries Outwards, for the Information of all Parties interested, and shall transmit the Content, and the Cockets, and the Vitualling Bill to the Searcher; and the Particulars to be contained in such Content shall be written and arranged in such Form and Manner as the Collector and Controller shall require.

LXXIX. And be it further enacted, That the File of Cockets and the Vitualling Bill shall thereupon be delivered by the Searcher to the Master of such Ship, at such Station within the Port and in such Manner as shall be appointed by the Commissioners of His Majesty's Customs for that Purpose; and such File of Cockets and Vitualling Bill, so delivered, shall be kept by the Master of such Ship as the Authority for departing from the Port with the several Parcels and Packages of Goods and of Stores on board, so far as they shall agree with the Particulars in the Indorsements on such Cockets or with such Vitualling Bill.

LXXX. And be it further enacted, That if any Ship is to depart in Ballast from the United Kingdom or from the *Isle of Man* for Parts beyond the Seas, having no Goods on board except the Stores of such Ship borne upon the Vitualling Bill, or any Goods reported Inwards for Exportation in such Ship, the Master of such Ship shall, before her Departure, answer to the Collector or Controller such Questions touching her Departure and Destination as shall be demanded of him; and thereupon the Collector or Controller shall clear such Ship in Ballast, and shall notify such Clearance and the Date thereof on the Vitualling Bill, and also in the Book of Ships Entries Outwards, for the Information of all Parties interested; and such Vitualling Bill shall be kept by the Master of such Ship as the Clearance of the same.

LXXXI. And be it further enacted, That if there be on board any Ship any Goods of the Inward Cargo which were reported for Exportation in the same, the Master shall, before Clearance Outwards of such Ship from any Port in the United Kingdom or in the *Isle of Man*, deliver to the Searcher a Copy of the Report Inwards

Inwards of such Goods, certified by the Collector and Controller; and such Copy, being found to correspond with the Goods so remaining on board, shall be the Authority to the Searcher to pass such Ship with such Goods on board; and being signed by the Searcher, and filed with the Cockets, shall be the Clearance of the Ship for those Goods.

LXXXII. And be it further enacted, That if any Passengers are to depart in any Ship from the United Kingdom or from the *Isle of Man* for Parts beyond the Seas, it shall be lawful for the Master of such Ship to pass an Entry and to receive a Cocket in his Name for the necessary personal Baggage of all such Passengers, and duly to clear such Baggage for Shipment in their Behalf, stating in such Clearances the Particulars of the Packages and the Names of the respective Passengers; and if such Ship is to take no other Goods than the necessary personal Baggage of Passengers actually going the Voyage, it shall be lawful for such Master to enter such Ship Outwards in Ballast for Passengers only; and if no other Goods than such Baggage duly entered and cleared be taken on board such Ship, the same shall be deemed to be a Ship in Ballast, notwithstanding such Baggage, and shall be described in the Clearance, on the Content and on the Label to the Cocket or Cockets, and on the Victualling Bill and in the Book of Ships Entries, as a Ship cleared in Ballast, except as to the necessary personal Baggage of Passengers going the Voyage.

OUTWARDS.

Clearance of
Ship.Copy of Report
to be the Clear-
ance.If any Passen-
gers, Master
may enter
Baggage in his
Name.Ship with
Baggage only
deemed to be in
Ballast.

LXXXIII. And be it further enacted, That if the Master and Crew of any Foreign Ship which is to depart in Ballast from the United Kingdom for Parts beyond the Seas shall be desirous to take on board Chalk Rubbish by way of Ballast, to take with them for their private Use any small Quantities of Goods of *British* Manufacture, it shall be lawful for such Master, without entering such Ship Outwards, to pass an Entry in his Name, and receive a Cocket free of any Export Duty for all such Goods, under the general Denomination of *British* Manufactures not prohibited to be exported, being for the Use and Privilege of the Master and Crew, and not being of greater Value than in the Proportion of Twenty Pounds for the Master, and Ten Pounds for the Mate, and Five Pounds for each of the Crew, and stating that the Ship is in Ballast; and the Master shall duly clear such Goods for Shipment in behalf of himself and Crew, stating in such Clearances the Particulars of the Goods and Packages, and the Names of the Crew who shall jointly or severally take any of such Goods under this Privilege; and such Ship shall be deemed to be a Ship in Ballast, and be cleared as such, and without a Content, notwithstanding such Goods or such Cocket or Cockets; and such Clearance shall be notified by the Collector or Controller on the Label to the Cocket or Cockets, and on the Victualling Bill, and in the Book of Ships Entries, as a Clearance in Ballast, except as to the Privilege of the Master and Crew.

In Ballast.

Master may
enter Goods for
private Use of
Self and Crew.Privilege;
20*l*. Master,
10*l*. Mate,
5*l*. Crew.
Master to clear
the Goods.Ship to be
deemed in
Ballast.

LXXXIV. And be it further enacted, That it shall be lawful for the Officers of the Customs to go on board any Ship after Clearance Outwards, within the Limits of any Port in the United Kingdom or in the *Isle of Man*, or within Four Leagues of the Coast thereof, and to demand the File of Cockets and the Victualling Bill, and if there be any Goods or Stores on board not contained

Officers may
board any Ship
after Clearance.

Goods on
Cockets and not
on board,
Penalty.

Cocket falsified,
Penalty.

Ships to bring
to at Stations.

Debenture
Goods.

Entry in Name
of real Owner,
or of the Com-
mission Mer-
chant.

Declaration to
Exportation,
and to Property,
and to Right to
Drawback or
Bounty.

If Drawback,
&c. be not pur-
chased, Name of
Person entitled
to be declared.

Agent may pass
Entry, and re-
ceive Drawback,
and make the
Declaration,
and answer
Questions for
Owner not resi-
dent.

contained in the Indorsements on the Cockets nor in the Victual-
ling Bill, such Goods or Stores shall be forfeited; and if any Goods
contained in such Indorsements be not on board, the Master shall
forfeit the Sum of Twenty Pounds for every Package or Parcel of
Goods contained in such Indorsements and not on board; and if
any Cocket be at any Time falsified, the Person who shall have fal-
sified the same, or who shall have wilfully used the same, shall forfeit
the Sum of One hundred Pounds.

LXXXV. And be it further enacted, That every Ship departing
from any Port in the United Kingdom or in the *Isle of Man* shall
bring to at such Stations within the Port as shall be appointed
by the Commissioners of His Majesty's Customs for the landing of
Officers from such Ships, or for further Examination previous to
such Departure.

LXXXVI. And be it further enacted, That no Drawback or
Bounty shall be allowed upon the Exportation from the United
Kingdom of any Goods unless such Goods shall have been entered
in the Name of the Person who was the real Owner thereof at the
Time of Entry and shipping, or of the Person who had actually
purchased and shipped the same, in his own Name and at his own
Liability and Risk, on Commission, according to the Practice of
Merchants, and who was and shall have continued to be entitled
in his own Right to such Drawback or Bounty, except in the Cases
herein-after provided for.

LXXXVII. And be it further enacted, That such Owner or
Commission Merchant shall make and subscribe a Declaration upon
the Debenture that the Goods mentioned therein have been actually
exported, and have not been re-landed and are not intended to be
re-landed in any Part of the United Kingdom, nor in the *Isle of
Man*, (unless entered for the *Isle of Man*,) nor in the Islands of
Faro or *Ferro*, and that he was the real Owner thereof at the Time
of Entry and shipping, or that he had purchased and shipped the
said Goods in his own Name and at his own Liability and Risk, on
Commission, as the Case may be, and that he was and continued to
be entitled to the Drawback or Bounty thereon in his own Right:
Provided always, that if such Owner or Merchant shall not have
purchased the Right to such Drawback or Bounty he shall declare
under his Hand upon the Entry and upon the Debenture the
Person who is entitled thereto, and the Name of such Person shall
be stated in the Cocket and in the Debenture; and the Receipt of
such Person on the Debenture shall be the Discharge for such
Drawback or Bounty.

LXXXVIII. And be it further enacted, That if such Owner or
Merchant shall be resident in some Part of the United Kingdom
being more than Twenty Miles from the Custom House of the Port
of Shipment, he may appoint any Person to be his Agent to make
and pass his Entry, and to clear and ship his Goods, and to receive
for him the Drawback or Bounty payable on his Debenture, if
payable to him, provided the Name of such Agent and the Residence
of such Owner or Merchant be subjoined to the Name of such
Owner or Merchant in the Entry and in the Cocket for such Goods;
and such Agent, being duly informed, shall make Declaration upon
the Entry, if any be necessary, and also upon the Debenture, in
behalf of such Owner or Merchant, to the Effect before required
of

of such Owner or Merchant, and shall answer such Questions touching his Knowledge of the Exportation of such Goods and the Property therein, and of the Right to the Drawback or Bounty, as shall be demanded of him by the Collector or Controller; and if any such Goods be exported by any Corporation or Company trading by a Joint Stock, it shall be lawful for them to appoint any Person to be their Agent for the like Purposes and with the like Powers to act in their Behalf.

OUTWARDS.

Debenture
Goods.Joint Stock
Company.

LXXXIX. And be it further enacted, That if any Goods which are to be exported for Drawback be the Property of any Person residing Abroad, having been consigned by the Owner thereof to some Person as his Agent residing in the United Kingdom, to be exported through the same to Parts beyond the Seas, by such Agent, upon account of such Owner, it shall be lawful for such Person, (being the Consignee by whom and in whose Name the Duties Inwards on such Goods had been paid, or his legal Representative,) in like Manner, as Agent for such Owner, to enter, clear, and ship such Goods for him, and upon like Conditions to receive for him the Drawback payable thereon.

Property of
Persons Abroad
consigned here
to an Agent,
and exported by
him on account
of Owner.

XC. And be it further enacted, That no Drawback shall be allowed upon the Exportation of any Goods unless such Goods be shipped within Three Years after the Payment of the Duties Inwards thereon, and that no Debenture for any Drawback or Bounty allowed upon the Exportation of any Goods shall be paid after the Expiration of Two Years from the Date of the Shipment of such Goods, and that no Drawback shall be allowed upon any Goods which by reason of Damage or Decay shall have become of less Value for Home Use than the Amount of such Drawback; and all Goods so damaged which shall be cleared for any Drawback shall be forfeited, and the Person who caused such Goods to be so cleared shall forfeit the Sum of Two hundred Pounds, or Treble the Amount of the Drawback in such Case, at the Election of the Commissioners of the Customs.

Shipment
within Three
Years, and Pay-
ment within
Two Years.Damaged
Goods no Draw-
back.Forfeiture.
Penalty.

XCI. And be it further enacted, That for the Purpose of computing and paying any Drawback or Bounty payable upon any Goods duly entered, shipped, and exported, a Debenture shall, in due Time after such Entry, be prepared by the Collector and Controller, certifying in the first instance the Entry Outwards of such Goods; and so soon as the same shall have been duly exported, and a Notice containing the Particulars of the Goods shall have been delivered by the Exporter to the Searcher, the Shipment and Exportation thereof shall be certified to the Collector and Controller, upon such Debenture, by the Searcher, and the Debenture shall thereupon be computed and passed with all convenient Dispatch, and be delivered to the Person entitled to receive the same.

Issuing and
passing Deben-
ture.

XCII. And be it further enacted, That no Drawback or Bounty shall be allowed for any Goods exported from the United Kingdom to the *Isle of Man* until a Certificate shall be produced from the Collector and Controller of the Customs of the *Isle of Man* of the due landing of such Goods.

Certificate of
landing in *Isle*
of *Man*.

XCIII. And be it further enacted, That no Drawback or Bounty shall be allowed for any Goods exported from the United Kingdom in Bales cleared as being press-packed, unless the Quan-

Press-packing,
and Declaration
of Packer.

tities

OUTWARDS,
~~Debenture~~
 Goods.
 —

ties and Qualities of the Goods in each of such Bales shall be verified by the Master Packer thereof, or, in case of unavoidable Absence, by the Foreman of such Packer, having Knowledge of the Contents of the Bales, by Declaration made and subscribed upon the Cocket before the Collector or Controller; or if such Packer reside more than Ten Miles from the Port, then by Declaration made and subscribed, upon an Account of such Goods, before a Magistrate or Justice of the Peace for the County or Place where such Packer shall reside; and if such Bales be not cleared as being press-packed, then the Searcher, having opened any such Bale, shall not be required to repack the same at his Charge.

Licensed
 Lightermen
 only to ship
 debenture or
 warehoused
 Goods.

Commissioners
 may grant
 Licence and
 require Bond.

Licences in
 force.

Warehouse or
 Debenture
 Goods not ex-
 ported, or if
 re-landed, or
 carried to
 Guernsey, &c.
 without Entry,
 forfeited.

XCIV. And be it further enacted, That no Goods cleared for Drawback or 'Bounty, or from the Warehouse, shall be carried waterborne, to be put on board any Ship for Exportation from the United Kingdom, by any Person, unless such Person shall be authorized for that Purpose by Licence under the Hands of the Commissioners of the Customs; and that, before granting such Licence, it shall be lawful for the said Commissioners to require such Security by Bond for the faithful and incorrupt Conduct of such Person as they shall deem necessary; and that after granting such Licence it shall be lawful for the said Commissioners to revoke the same, if the Person to whom the same shall have been granted shall be convicted of any Offence against the Laws relating to the Customs or Excise: Provided always, that all such Licences which shall be in force at the Time of the Commencement of this Act shall continue in force as if the same had been afterwards granted under the Authority of this Act.

XCV. And be it further enacted, That if any Goods which have been taken from the Warehouse to be exported from the same, or any Goods which have been cleared to be exported for any Drawback or Bounty, shall not be duly exported to Parts beyond the Seas, or shall be re-landed in any Part of the United Kingdom, (such Goods not having been duly re-landed or discharged as short-shipped under the Care of the proper Officers,) or shall be landed in the Islands of *Faro* or *Ferro*, or shall be carried to any of the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, (not having been duly entered, cleared, and shipped to be exported directly to such Island,) the same shall be forfeited, together with the Ship from or by which the same had been so re-landed, landed, or carried, and any other Ship, Vessel, Boat, or Craft which may have been used in so re-landing, landing, or carrying such Goods; and any Person by whom or by whose Orders or Means such Goods shall have been so taken or cleared, or so re-landed, landed, or carried, shall forfeit a Sum equal to Treble the Value of such Goods.

Drawback of
 Duties on Wine
 allowed for
 Officers in the
 Navy.

XCVI. And be it further enacted, That a Drawback of the whole of the Duties of Customs shall be allowed for Wine intended for the Consumption of Officers of His Majesty's Navy, on board such of His Majesty's Ships in actual Service as they shall serve in; not exceeding the Quantities of Wine, in any One Year, for the Use of such Officers, herein-after respectively mentioned; (that is to say,)

For

	Gallons.	OUTWARDS.
For every Admiral - - - - -	1,260	Debenture
—— Vice-Admiral - - - - -	1,050	Goods.
—— Rear-Admiral - - - - -	840	—
—— Captain of the First and Second Rate	630	
—— Captain of the Third, Fourth, and Fifth Rate - - - - - }	420	
—— Captain of an inferior Rate - - -	210	
—— Lieutenant, and other Commanding Officer, and for every Marine }	105	
Officer - - - - - }		

Provided always, that such Wine be shipped only at one of the Ports herein-after mentioned; (that is to say,) *London, Rochester, Deal, Dover, Portsmouth, Plymouth, Yarmouth, Falmouth, Belfast, Dublin, Cork, Leith, or Glasgow.*

XCVII. And be it further enacted, That the Person entering such Wine, and claiming the Drawback for the same, shall state in the Entry and declare on the Debenture the Name of the Officer for whose Use such Wine is intended, and of the Ship in which he serves; and such Wine shall be delivered into the Charge of the Officers of the Customs at the Port of Shipment, to be secured in the King's Warehouse until the same shall be shipped under their Care; and such Officers having certified upon the Debenture the Receipt of the Wine into their Charge, the Debenture shall be computed and passed, and be delivered to the Person entitled to receive the same.

Persons entering such Wine for Drawback to declare the Name and Rank of Officer claiming same.

XCVIII. And be it further enacted, That if any such Officer shall leave the Service or be removed to another Ship, it shall be lawful for the Officers of the Customs at any of the Ports before mentioned to permit the Transfer of any such Wine from one Officer to another, as Part of his Proportion, whether on board the same Ship or another, or the Transshipment from one Ship to another for the same Officer, or the re-landing and warehousing for future Reshipment; and it shall also be lawful for the Officers of Customs at any Port to receive back the Duties for any of such Wine, and deliver the same for Home Use: Provided always, that if any of such Wine be not laden on board the Ship for which the same was intended, or be unladen from such Ship without Permission of the proper Officer of the Customs, the same shall be forfeited.

Officers leaving the Service, &c. such Wine permitted to be transferred to others.

XCIX. ' And whereas it is expedient to make Provisions for ' supplying the Crews of His Majesty's Ships of War with Tobacco ' for their Use without Payment of any Duty; ' be it therefore enacted, That it shall be lawful for the Purser of any of His Majesty's Ships of War in actual Service to enter and ship at the Ports of *Rochester, Portsmouth, or Plymouth*, in the Proportions herein-after mentioned, any Tobacco there warehoused in his Name or transferred into his Name, for the Use of the Ship in which he shall serve; provided such Purser shall deliver to the Collector or Controller of such Port a Certificate from the Captain of such Ship, stating the Name of the Purser and the Number of Men belonging to the Ship, and shall also give Bond, with One sufficient Surety, in Treble the Duties payable on the Tobacco, that no Part thereof shall

Pursers of His Majesty's Ships of War may ship Tobacco for Use of Crew free of Duty, on giving Bond.

OUTWARDS.

Debenture
Goods.

Purser removed
from one Ship
to another may
tranship To-
bacco with
Permission of
Collector.

shall be re-landed in the United Kingdom without Leave of the Officers of the Customs, or be landed in either of the Islands of *Guernsey, Jersey, Alderney, Sark, or Man.*

C. And be it further enacted, That if any Purser shall be removed from one Ship to another, it shall be lawful for the Collector and Controller of the Port where such Ships shall be to permit the Transshipment of the Remains of any such Tobacco for the Use of such other Ship, upon due Entry of such Tobacco by such Purser, setting forth the Time when and the Port at which such Tobacco was first shipped; and if any such Ship shall be paid off, it shall be lawful for the Collector and Controller of any Port where such Ship shall be paid off to permit the Remains of any such Tobacco to be landed, and to be entered by the Purser of such Ship, either for Payment of Duties, or to be warehoused for the Term of Six Months, for the Supply of some other such Ship, in like Manner as any Tobacco may be warehoused and supplied at either of the Ports before mentioned, or for Payment of all Duties within such Six Months: Provided always, that all Tobacco warehoused for the Purpose of so supplying His Majesty's Ships of War shall be subject to the Provisions of this Act made for the warehousing of Tobacco generally, as far as the same are applicable, and are not expressly altered by any of the Provisions herein particularly made.

Quantity of
Tobacco not to
exceed, &c.

CI. And be it further enacted, That no greater Quantity of such Tobacco shall be allowed to any Ship of War than Two Pounds by the Lunar Month for each of the Crew of such Ship, nor shall any greater Quantity be shipped at any One Time than sufficient to serve the Crew of such Ship for Six Months after such Rate of Allowance; and the Collector and Controller of the Port at or from which any such Tobacco shall be supplied to any such Ship, or landed from any such Ship, or transferred from one such Ship to another, shall transmit a particular Account thereof to the Commissioners of His Majesty's Customs, in order that a general Account may be kept of all the Quantities supplied to and consumed on board each of such Ships under the Allowances before granted.

Times and
Places for ship-
ping Goods

CII. And be it further enacted, That no Goods shall be put off from any Wharf, Quay, or other Place, or shall be waterborne in order to be exported, but only on Days not being *Sundays* or *Holidays*, and in the Daytime; (that is to say,) from the First Day of *September* until the last Day of *March* betwixt Sun-rising and Sun-setting, and from the last Day of *March* until the First Day of *September* between the Hours of Seven of the Clock in the Morning and Four of the Clock in the Afternoon; nor shall any such Goods be then put off or waterborne for Exportation unless in the Presence or with the Authority of the proper Officer of the Customs, nor except from a legal Quay appointed by His Majesty, or at some Wharf, Quay, or Place appointed by the Commissioners of His Majesty's Customs for the shipping of such Goods by Sufferance.

Penalty for ex-
porting pro-
hibited Goods.

CIII. And be it further enacted, That if any Goods liable to Forfeiture for being shipped for Exportation shall be shipped and exported without Discovery by the Officers of the Customs, the Person or Persons who shall have caused such Goods to be exported shall forfeit Double the Value of such Goods.

CIV. And be it further enacted, That the several Sorts of Goods enumerated or described in the Table following (denominated "A Table of Prohibitions and Restrictions Outwards") shall be either absolutely prohibited to be exported from the United Kingdom, or shall be exported only under the Restrictions mentioned in such Table, according as the several Sorts of such Goods are respectively set forth therein; (that is to say,)

OUTWARDS.
PROHIBITIONS.

And Restrictions absolute or modified.

A TABLE OF PROHIBITIONS AND RESTRICTIONS OUTWARDS.

Clocks and Watches; *viz.*

— any outward or inward Box, Case, or Dial Plate, of any Metal, without the Movement in or with every such Box, Case, or Dial Plate, made up fit for Use, with the Clock or Watch Maker's Name engraven thereon.

Lace; *viz.*

— any Metal inferior to Silver which shall be spun, mixed, wrought, or set upon Silk, or which shall be gilt, or drawn into Wire, or flatted into Plate, and spun or woven, or wrought into or upon, or mixed with Lace, Fringe, Cord, Embroidery, Tambour Work, or Buttons, made in the Gold or Silver Lace Manufactory, or set upon Silk, or made into Bullion Spangles, or Pearl or any other Materials made in the Gold or Silver Lace Manufactory, or which shall imitate or be meant to imitate such Lace, Fringe, Cord, Embroidery, Tambour Work, or Buttons; nor shall any Person export any Copper, Brass, or other Metal which shall be silvered or drawn into Wire, or flatted into Plate, or made into Bullion Spangles, or Pearl or any other Materials used in the Gold or Silver Lace Manufactory, or in Imitation of such Lace, Fringe, Cord, Embroidery, Tambour Work, or Buttons, or of any of the Materials used in making the same, and which shall hold more or bear a greater Proportion than Three Pennyweights of fine Silver to the Pound Avoirdupois of such Copper, Brass, or other Metals.

— any Metal inferior to Silver, whether gilt, silvered, stained, or coloured, or otherwise, which shall be worked up or mixed with Gold or Silver in any Manufacture of Lace, Fringe, Cord, Embroidery, Tambour Work, or Buttons.

Tools and Utensils; *viz.*

— any Machine, Engine, Tool, Press, Paper, Utensil, or Instrument used in or proper for the preparing, working, pressing, or finishing of the Woollen, Cotton, Linen, or Silk Manufactures of this Kingdom, or any other Goods wherein Wool, Cotton, Linen, or Silk is used, or any Part of such Machines, Engines, Tools, Presses, Paper, Utensils, or Instruments, or any Model or Plan thereof, or any Part thereof; except Wool Cards or Stock Cards not worth above Four Shillings *per* Pair, and Spinners Cards not worth above One Shilling and Sixpence *per* Pair, used in the Woollen Manufactures.

— Blocks, Plates, Engines, Tools, or Utensils commonly used in or proper for the preparing, working up, or finishing of the Calico, Cotton, Muslin, or Linen Printing Manufactures, or any Part of such Blocks, Plates, Engines, Tools, or Utensils.

*repealed by
6 & 7 Geo. 4 c. 24*

OUTWARDS.
PROHIBITIONS.

Tools and Utensils—continued.

Rollers, either plain, grooved, or of any other Form or Denomination, of Cast Iron, Wrought Iron, or Steel, for the rolling of Iron or any Sort of Metals, and Frames, Beds, Pillars, Screws, Pinions, and each and every Implement, Tool, or Utensil thereunto belonging; Rollers, Slitters, Frames, Beds, Pillars, and Screws for Slitting Mills; Presses of all Sorts, in Iron and Steel, or other Metals, which are used with a Screw exceeding One Inch and a Half in Diameter, or any Parts of these several Articles, or any Model of the before-mentioned Utensils, or any Part thereof; all Sorts of Utensils, Engines, or Machines used in the casting or boring of Cannon or any Sort of Artillery, or any Parts thereof, or any Models of Tools, Utensils, Engines, or Machines used in such casting or boring, or any Parts thereof; Hand Stamps, Dog-head Stamps, Pulley Stamps, Hammers and Anvils for Stamps; Presses of all Sorts called Cutting-out Presses; Beds or Punches to be used therewith, either in Parts or Pieces, or fitted together; Scouring or Shading Engines; Presses for Horn Buttons; Dies for Horn Buttons; rolled Metal, with Silver thereon; Parts of Buttons not fitted up into Buttons, or in an unfinished State; Engines for chasing, Stocks for casting Buckles, Buttons, and Rings; Die-sinking Tools of all Sorts; Engines for making Button Shanks; Laps of all Sorts; Tools for pinching of Glass; Engines for covering of Whips; Bars of Metal covered with Gold or Silver, and Burnishing Stones commonly called Blood Stones, either in the rough State or finished for Use; Wire Moulds for making Paper; Wheels of Metal, Stone, or Wood, for cutting, roughing, smoothing, polishing, or engraving Glass; Purcellas, Pincers, Sheers, and Pipes used in blowing Glass; Potters Wheels and Lathes, for plain, round, and Engine turning; Tools used by Saddlers, Harness-makers, and Bridle-makers, *viz.* Candle Strainers, Side Strainers, Point Strainers, Creasing Irons, Screw Creasers, Wheel Irons, Seat Irons, Pricking Irons, Bolstering Irons, Clams, and Head Knives.

Frames for making Wearing Apparel.

A LIST of GOODS which may be PROHIBITED to be EXPORTED by Proclamation or Order in Council.

Arms, Ammunition, and Gunpowder.

Ashes, Pot and Pearl.

Military Stores and Naval Stores, and any Articles (except Copper) which His Majesty shall judge capable of being converted into or made useful in increasing the Quantity of Military or Naval Stores. Provisions, or any Sort of Victual which may be used as Food by Man.

And if any Goods shall be exported, or be waterborne to be exported, from the United Kingdom, contrary to any of the Prohibitions or Restrictions mentioned in such Table in respect of such Goods, the same shall be forfeited.

Forfeiture.

COASTWISE.

General
Regulation.

All Trade by
Sea from one

CV. ' And whereas it is necessary to make Regulations for the ' Coasting Trade of the United Kingdom and of the *Isle of Man*, ' and that the Officers of the Customs should have Cognizance of all ' Ships carrying any Goods Coastwise from one Part of the United Kingdom

Kingdom or of the *Isle of Man* to another of the same, and of all Goods so carried, in order that such Trade may be confined to *British Ships*, and that all Duties levied Coastwise may be duly collected, and that the Laws for regulating the Importation and Exportation of Goods from and to Parts beyond the Seas may not be evaded; be it therefore enacted, That all Trade by Sea from any one Part of the United Kingdom to any other Part thereof, or from one Part of the *Isle of Man* to another thereof, shall be deemed to be a Coasting Trade, and all Ships while employed therein shall be deemed to be Coasting Ships; and that no Part of the United Kingdom, however situated with regard to any other Part thereof, shall be deemed in Law, with reference to each other, to be Parts beyond the Seas in any Matter relating to the Trade or Navigation or Revenue of this Realm.

Part of the United Kingdom to another to be deemed Coastwise, and no Part to be deemed beyond the Seas.

CVI. And whereas some Parts of the Coast of the United Kingdom may be so situated with regard to other neighbouring Parts thereof that Doubts may arise in some Cases whether the Passage between them by Water shall be deemed to be a Passage by Sea within the Meaning of this Act; and that in other Cases, although such Passage be by Sea, it may be unnecessary, for the Purposes of this Act or of any Act relating to the Customs, to subject Ships passing between such Places to the Restraints of Coast Regulations; be it therefore enacted, That it shall be lawful for the said Commissioners of His Majesty's Treasury to determine and direct in what Cases the Trade by Water from any Place on the Coast of the United Kingdom to another of the same shall or shall not be deemed a Trade by Sea within the Meaning of this Act or of any Act relating to the Customs.

Lords of Treasury to regulate what shall be deemed trading by Sea under this Act.

CVII. And be it further enacted, That no Goods shall be carried in any Coasting Ship except such as shall be laden to be so carried at some Port or Place in the United Kingdom, or at some Port or Place in the *Isle of Man* respectively; and that no Goods shall be laden on board any Ship to be carried Coastwise until all Goods brought in such Ship from Parts beyond the Seas shall have been unladen; and that if any Goods shall be taken into or put out of any Coasting Ship at Sea or over the Sea, or if any Coasting Ship shall touch at any Place over the Sea, or deviate from her Voyage, unless forced by unavoidable Circumstances, or if the Master of any Coasting Ship which shall have touched at any Place over the Sea shall not declare the same in Writing under his Hand to the Collector or Controller at the Port in the United Kingdom or in the *Isle of Man* where such Ship shall afterwards first arrive, the Master of such Ship shall forfeit the Sum of Two hundred Pounds.

Coasting Ship confined to coasting Voyage.

CVIII. And be it further enacted, That no Goods shall be laden on board any Ship in any Port or Place in the United Kingdom or in the *Isle of Man* to be carried Coastwise, nor having been brought Coastwise shall be unladen in any such Port or Place from any Ship, until due Notice in Writing, signed by the Master, shall have been given to the Collector or Controller, by the Master, Owner, Wharfinger, or Agent of such Ship, of the Intention to lade Goods on board the same to be so carried, or of the Arrival of such Ship with Goods so brought, as the Case may be, nor until proper Documents shall have been granted as herein-after directed for the lading or for the unlading of such Goods; and such Goods

Penalty on Deviation.

Before Goods be laden or unladen, Notice of Intention or of Arrival to be given, and proper Documents to issue.

COASTWISE.

shall not be laden or unladen except at such Times and Places, and in such Manner, and by such Persons, and under the Care of such Officers, as is and are herein-after directed; and all Goods laden to be so carried, or brought to be so unladen, contrary hereto, shall be forfeited.

Particulars in Notice;

CIX. And be it further enacted, That in such Notice shall be stated the Name and Tonnage of the Ship, and the Name of the Port to which she belongs, and the Name of the Master, and the Name of the Port to which she is bound or from which she has arrived, and the Name or Description of the Wharf or Place at which her Lading is to be taken in or discharged, as the Case may be; and such Notice shall be signed by the Master, Owner, Wharfinger, or Agent of such Ship, and shall be entered in a Book to be kept by the Collector, for the Information of all Parties interested; and every such Notice for the unlading of any Ship or Vessel shall be delivered within Twenty-four Hours after the Arrival of such Ship or Vessel, under a Penalty of Twenty Pounds, to be paid by the Master of such Ship or Vessel; and in every such Notice for the lading of any Ship or Vessel shall be stated the last Voyage on which such Ship or Vessel shall have arrived at such Port; and if such Voyage shall have been from Parts beyond the Seas there shall be produced with such Notice a Certificate from the proper Officer of the Discharge of all Goods, if any, brought in such Ship, and of the due Clearance of such Ship or Vessel Inwards of such Voyage.

within 24 Hours of Arrival for unlading;

for lading, to state last Voyage and Clearance.

From and to Ireland with certain Goods.

CX. And be it further enacted, That upon the Arrival of any Coasting Ship at any Port in *Great Britain* from *Ireland*, or at any Port in *Ireland* from *Great Britain*, the Master of such Ship shall within Twenty-four Hours after such Arrival attend and deliver such Notice, signed by him, to the Collector or Controller; and if such Ship shall have on board any Goods subject on Arrival to any Duty of Excise, or any Goods which had been imported from Parts beyond the Seas, the Particulars of such Goods, with the Marks and Numbers of the Packages containing the same, shall be set forth in such Notice; and if there shall be no such Goods on board, then it shall be declared in such Notice that no such Goods are on board; and the Master shall also answer any Questions relating to the Voyage as shall be demanded of him by the Collector or Controller; and every Master who shall fail in due Time to deliver such Notice, and truly to answer such Questions, shall forfeit the Sum of One hundred Pounds.

After Notice given of lading Goods on board Coasting Ship, Collector may grant a general Sufferance.

CXI. And be it further enacted, That when due Notice shall have been given to the Collector or Controller at the Port of lading of the Intention to lade Goods on board any Coasting Ship, such Collector or Controller shall grant a general Sufferance for the lading of Goods (without specifying the same) on board such Ship, at the Wharf or Place which shall be expressed in such Sufferance; and such Sufferance shall be a sufficient Authority for the lading of any Sort of Goods, except such, if any, as shall be expressly excepted therein: Provided always, that before any Sufferance be granted for any Goods prohibited to be exported, or subject to any Export Duty other than any *ad valorem* Duty, the Master or Owner of any such Ship, or the Shipper of such Goods, shall give Bond, with One sufficient Surety, in Treble the Value of the Goods, that

that the same shall be landed at the Port for which such Sufferance is required, or shall be otherwise accounted for to the Satisfaction of the Commissioners of His Majesty's Customs.

COASTWISE.

CXII. And be it further enacted, That the Master of every Coasting Ship shall keep or cause to be kept a Cargo Book of the same, stating the Name of the Ship and of the Master and of the Port to which she belongs, and of the Port to which bound on each Voyage; and in which Book shall be entered, at the Port of lading, an Account of all Goods taken on board such Ship, stating the Descriptions of the Packages, and the Quantities and Descriptions of the Goods therein, and the Quantities and Descriptions of any Goods stowed loose, and the Names of the respective Shippers and Consignees, as far as any of such Particulars shall be known to him; and in which Book, at the Port of Discharge, shall be noted the respective Days upon which any of such Goods be delivered out of such Ship, and also the respective Times of Departure from the Port of lading, and of Arrival at any Port of unloading; and such Master shall produce such Book for the Inspection of the Coast-waiter or other proper Officer so often as the same shall be demanded, and who shall be at liberty to make any Note or Remark therein; and if such Master shall fail correctly to keep such Book, or to produce the same, or if at any Time there be found on board such Ship any Goods not entered in the Cargo Book as laden, or any Goods noted as delivered, or if at any Time it be found that any Goods entered as laden, or any Goods not noted as delivered, be not on board, the Master of such Ship shall forfeit the Sum of Fifty Pounds; and if, upon Examination at the Port of lading, any Package entered in the Cargo Book as containing any Foreign Goods shall be found not to contain such Goods, such Package, with its Contents, shall be forfeited; and if at the Port of Discharge any Package shall be found to contain any Foreign Goods which are not entered in such Book, such Goods shall be forfeited.

Master of
Coasting Vessel
to keep a Cargo
Book.

Penalty for
false Entries in
such Book.

CXIII. And be it further enacted, That before any Coasting Ship shall depart from the Port of lading, an Account, together with a Duplicate of the same, all fairly written, and signed by the Master, shall be delivered to the Collector or Controller; and in such Account shall be set forth such Particulars as are required to be entered in the Cargo Book of all Foreign Goods, and of all Goods subject to Export Duty (other than any *ad valorem* Duty), and of all Corn, Grain, Meal, Flour, or Malt, laden on board, and generally, whether any other *British* Goods or no other *British* Goods be laden on board, as the Case may be, or whether such Ship be wholly laden with *British* Goods not being of any of the Descriptions before mentioned, as the Case may be; and the Collector or Controller shall select and retain one of such Accounts, and shall return the other, dated and signed by him, and noting the Clearance of the Ship thereon; and such Account shall be the Clearance of the Ship for the Voyage, and the Transire for the Goods expressed therein; and if any such Account be false, or shall not correspond with the Cargo Book, the Master shall forfeit the Sum of Fifty Pounds.

Accounts of
Foreign Goods,
and of Goods
subject to Coast
Duty or Export
Duty, to be
delivered to
Collector.

CXIV. And be it further enacted, That before any Goods be unladen from any Coasting Ship at the Port of Discharge, the Master,

Transire to be
delivered to
Collector before

Goods be un-
laden.

Goods subject
to Duty on
Arrival.

Collector in
certain Cases
may grant gene-
ral Transire for
Coasting
Vessels.

Coast-waiter,
Landing-waiter,
or Searcher may
go on board
and examine
any Coasting
Ship.

Times and
Places for
landing and
shipping.

Master, Owner, Wharfinger, or Agent of such Ship shall deliver the Transire to the Collector or Controller of such Port, who shall thereupon grant an Order for the unloading of such Ship at the Wharf or Place specified in such Order: Provided always, that if any of the Goods on board such Ship be subject to any Duty of Customs or Excise payable on Arrival Coastwise at such Port, the Master, Owner, Wharfinger, or Agent of such Ship, or the Consignee of such Goods, shall also deliver to the Collector or Controller a Bill of the Entry of the Particulars of such Goods, expressed in Words at Length, together with a Copy thereof in which all Sums and Numbers may be expressed in Figures, and shall pay down all Duties of Customs, or produce a Permit in respect of all Duties of Excise, which shall be due and payable on any of such Goods, as the Case may be; and thereupon the Collector and Controller shall grant an Order for the landing of such Goods in the Presence or by the Authority of the Coast-waiter.

CXV. Provided always, and be it further enacted, That it shall be lawful for the Collector and Controller, in the Cases herein-after mentioned, to grant for any Coasting Ship a general Transire, to continue in force for any Time not exceeding One Year from the Date thereof, for the lading of any Goods (except such Goods, if any, as shall be expressly excepted therein), and for the Clearance of the Ship in which the Goods shall be laden, and for the unloading of the Goods at the Place of Discharge; (that is to say,)

For any Ship regularly trading between Places in the River *Severn* Eastward of the *Holmes*:

For any Ship regularly trading between Places in the River *Humber*:

For any Ship regularly trading between Places in the *Firth of Forth*:

For any Ship regularly trading between Places to be named in the Transire, and carrying only Manure, Lime, Chalk, Stone, Gravel, Sand, or any Earth, not being Fullers Earth:

Provided always, that such Transire shall be written in the Cargo Book herein-before required to be kept by the Masters of Coasting Ships: Provided also, that if the Collector and Controller shall at any Time revoke such Transire, and Notice thereof shall be given to the Master or Owner of the Ship, or shall be given to any of the Crew when on board the Ship, or shall be entered in the Cargo Book by any Officer of the Customs, such Transire shall become void, and shall be delivered up by the Master or Owner to the Collector or Controller.

CXVI. And be it further enacted, That it shall be lawful in any Case, and at all legal Times, for the Coast-waiter, and also for the Landing-waiter, and for the Searcher, and for any other proper Officer of the Customs, to go on board any Coasting Ship in any Port or Place in the United Kingdom or in the *Isle of Man*, or at any Period of her Voyage, and strictly to search such Ship, and to examine all Goods on board, and all Goods being laden or unladen, and to demand all Documents which ought to be on board such Ship.

CXVII. And be it further enacted, That no Goods shall be unshipped from any Ship arriving Coastwise in the United Kingdom
or

or in the *Isle of Man*, and also that no Goods shall be shipped, or waterborne to be shipped, in the United Kingdom or in the *Isle of Man*, to be carried Coastwise, but only on Days not being *Sundays* or *Holidays*, and in the Daytime, (that is to say,) from the First Day of *September* until the last Day of *March* betwixt Sun-rising and Sun-setting, and from the last Day of *March* until the First Day of *September* between the Hours of Seven of the Clock in the Morning and Four of the Clock in the Afternoon; nor shall any such Goods be so unshipped, shipped, or waterborne unless in the Presence or with the Authority of the proper Officer of the Customs, nor unless at Places which shall be appointed or approved by the proper Officer of the Customs.

COASTWISE.

CXVIII. And be it further enacted, That whenever any Goods which may be prohibited to be exported by Proclamation or by Order in Council under the Authority of this Act shall be so prohibited, it shall be lawful in such Proclamation or Order in Council to prohibit or restrict the carrying of such Goods Coastwise; and if any such Goods shall be carried Coastwise, or shall be shipped or waterborne to be carried Coastwise, contrary to any such Prohibition or Restriction, the same shall be forfeited.

Goods prohibited or restrained.

CXIX. And in order to avoid the frequent Use of numerous Terms and Expressions in this Act, and in other Acts relating to the Customs, and to prevent any Misconstruction of the Terms and Expressions used therein; be it further enacted, That whenever the several Terms or Expressions following shall occur in this Act, or in any other Act relating to the Customs or to Trade and Navigation, the same shall be construed respectively in the Manner herein-after directed; (that is to say,) that the Term "Ship" shall be construed to mean Ship or Vessel generally, unless such Term shall be used to distinguish a Ship from Sloops, Brigantines, and other Classes of Vessels; that the Term "Master" of any Ship shall be construed to mean the Person having or taking the Charge or Command of such Ship; that the Term "Owners" and the Term "Owner" of any Ship shall be construed alike to mean One Owner, if there be only One, and any or all the Owners, if there be more than One; that the Term "Mate" of any Ship shall be construed to mean the Person next in Command of such Ship to the Master thereof; that the Term "Seaman" shall be construed to mean alike Seaman, Mariner, Sailor, or Landsman, being one of the Crew of any Ship; that the Term "*British Possession*" shall be construed to mean Colony, Plantation, Island, Territory, or Settlement belonging to His Majesty; that the Term "*His Majesty*" shall be construed to mean His Majesty, His Heirs and Successors; that the Term "*East India Company*" shall be construed to mean the United Company of Merchants of *England* trading to the *East Indies*; that the Term "*Limits of the East India Company's Charter*" shall be construed to mean all Places and Seas Eastward of the *Cape of Good Hope* to the *Straits of Magellan*; that the Terms "Collector and Controller" shall be construed to mean the Collector and Controller of the Customs of the Port intended in the Sentence; that whenever mention is made of any public Officer, the Officer mentioned shall be deemed to be such Officer for the Time being; that the Term "Warehouse" shall be construed to mean any Place, whether House, Shed, Yard, Timber Pond, or other

CONSTRUCTION IN GENERAL.

Terms used in Acts.

Ship.

Master.

Owner or Owners.

Mate.

Seaman.

British Possession.

His Majesty.

East India Company.

Charter.

Collector and Controller.

Officer.

Warehouse.

CONSTRUCTION
IN GENERAL.King's Ware-
house.Malta in
Europe.GENERAL
REGULATIONS.Weights, Mea-
sures, Currency,
Management,Collector to
take Bonds in
respect of Goods
relating to the
Customs.Mode of ascer-
taining Strength
of Foreign
Spirits.

586 76 4/5 16

Officers of Cus-
toms to take
Sample of
Goods.Time of an
Importation
and of an Ex-
portation de-
fined.

Place in which Goods entered to be warehoused upon Importation may be lodged, kept, and secured without Payment of Duty, or although prohibited to be used in the United Kingdom; that the Term "King's Warehouse" shall be construed to mean any Place provided by the Crown for lodging Goods therein for Security of the Customs.

CXX. And be it further enacted, That the Island of *Malta* and its Dependencies shall be deemed to be in *Europe*.

CXXI. And be it further enacted, That all Duties, Bounties, and Drawbacks of Customs shall be paid and received in every Part of the United Kingdom and of the *Isle of Man* in *British* Currency, and according to Imperial Weights and Measures; and that in all Cases where such Duties, Bounties, and Drawbacks are imposed and allowed according to any specific Quantity or any specific Value, the same shall be deemed to apply in the same Proportion to any greater or less Quantity or Value; and all such Duties, Bounties, and Drawbacks shall be under the Management of the Commissioners of the Customs.

CXXII. And be it further enacted, That all Bonds relating to the Customs required to be given in respect of Goods or Ships shall be taken by the Collector and Controller for the Use of His Majesty; and after the Expiration of Three Years from the Date thereof, or from the Time, if any, limited therein for the Performance of the Condition thereof, every such Bond upon which no Prosecution or Suit shall have been commenced shall be void, and may be cancelled and destroyed.

CXXIII. And whereas it is expedient that the Mode of ascer-
'taining the Strengths and Quantities of Foreign Spirits imported
'into the United Kingdom should at all Times be exactly similar
'to the Mode in practice for ascertaining the Strengths and Quan-
'tities of Spirits made within the United Kingdom; be it therefore
enacted, That the same Instruments, and the same Tables and Scales
of Graduation, and the same Rules and Methods, as the Officers
of the Excise shall by any Law in force for the Time being be
directed to use, adopt, and employ in trying and ascertaining the
Strengths and Quantities of Spirits made within the United King-
dom, for the Purpose of computing and collecting the Duties of
Excise payable thereon, shall be used, adopted, and employed by
the Officers of the Customs in trying and ascertaining the Strengths
and Quantities of Spirits imported into the United Kingdom, for
the Purpose of computing and collecting the Duties of Customs
payable thereon.

CXXIV. And be it further enacted, That it shall be lawful for the Officers of the Customs to take such Samples of any Goods as shall be necessary for ascertaining the Amount of any Duties payable on the same; and all such Samples shall be disposed of and accounted for in such Manner as the Commissioners of His Majesty's Customs shall direct.

CXXV. And be it further enacted, That if upon the first levying or repealing of any Duty, or upon the first granting or repealing of any Drawback or Bounty, or upon the first permitting or prohibiting of any Importation or Exportation, whether Inwards, Outwards, or Coastwise, in the United Kingdom or in the *Isle of Man*, it shall become necessary to determine the precise Time at which

GENERAL
REGULATIONS.

which an Importation or Exportation of any Goods made and completed shall be deemed to have had effect, such Time, in respect of Importation, shall be deemed to be the Time at which the Ship importing such Goods had actually come within the Limits of the Port at which such Ship shall in due Course be reported, and such Goods be discharged; and that such Time, in respect of Exportation, shall be deemed to be the Time at which the Goods had been shipped on board the Ship in which they had been exported; and that if such Question shall arise upon the Arrival or Departure of any Ship, in respect of any Charge or Allowance upon such Ship, exclusive of any Cargo, the Time of such Arrival shall be deemed to be the Time at which the Report of such Ship shall have been or ought to have been made; and the Time of such Departure shall be deemed to be the Time of the last Clearance of such Ship with the Collector and Controller for the Voyage upon which she had departed.

Arrival and
Departure of a
Ship defined.

CXXVI. And be it further enacted, That although any Duty of Customs shall have been overpaid, or although after any Duty of Customs shall have been charged and paid it shall appear or be judicially established that the same had been charged under an erroneous Construction of the Law, it shall not be lawful to return any such Overcharge after the Expiration of Three Years from the Date of such Payment.

Return of Duty
overpaid.

CXXVII. And be it further enacted, That the Tonnage or Burthen of every *British* Ship within the Meaning of this Act shall be the Tonnage set forth in the Certificate of Registry of such Ship, and that the Tonnage or Burthen of every other Ship shall, for the Purposes of this Act, be ascertained in the same Manner as the Tonnage of *British* Ships is ascertained.

Tonnage or
Burthen of
Ships declared.

CXXVIII. And be it further enacted, That it shall be lawful for the Officers of Customs at any Port under *British* Dominion where there shall be a Collector and Controller of the Customs to refuse to admit any Person to do any Act at such Port as Master of any *British* Ship, unless his Name shall be inserted in or have been indorsed upon the Certificate of Registry of such Ship as being the Master thereof, or until his Name shall have been so indorsed by such Collector and Controller.

Officers may
refuse Master
of *British* Ship
unless indorsed
on Register.

CXXIX. And be it further enacted, That if any Person shall counterfeit or falsify, or wilfully use when counterfeited or falsified, any Entry, Warrant, Cocket, or Transire, or other Document for the unlading, lading, entering, reporting, or clearing of any Ship or Vessel, or for the landing or shipping of any Goods, Stores, Baggage, or Article whatever, or shall by any false Statement procure any Writing or Document to be made for any of such Purposes, every Person so offending shall for every such Offence forfeit the Sum of Two hundred Pounds: Provided always, that this Penalty shall not attach to any particular Offence for which any other Penalty shall be expressly imposed by any Law in force for the Time being.

Falsifying Do-
cuments.

CXXX. And be it further enacted, That whenever any Person shall make any Application to any Officer of the Customs to transact any Business on behalf of any other Person, it shall be lawful for such Officer to require of the Person so applying to produce a written Authority from the Person on whose Behalf such Application

Authority of
an Agent may
be required.

GENERAL
REGULATIONS.

Person falsify-
ing Declaration
liable to Penalty.

Application shall be made, and in default of the Production of such Authority to refuse to transact such Business.

CXXXI. And be it further enacted, That if any Declaration required to be made by this Act or by any other Act relating to the Customs (except Declarations to the Value of Goods) be untrue in any Particular, or if any Person required by this Act or by any other Act relating to the Customs to answer Questions put to him by the Officers of the Customs, touching certain Matters, shall not truly answer such Questions, the Person making such Declaration or answering such Questions shall, over and above any other Penalty to which he may become subject, forfeit the Sum of One hundred Pounds.

Seizures.

Ship to include
Tackle, &c.

CXXXII. And be it further enacted, That all Goods, and all Ships, Vessels, and Boats, which by this Act or any Act at any Time in force relating to the Customs shall be declared to be forfeited, shall and may be seized by any Officer of the Customs; and such Forfeiture of any Ship, Vessel, or Boat shall be deemed to include the Guns, Tackle, Apparel, and Furniture of the same; and such Forfeiture of any Goods shall be deemed to include the proper Package in which the same are contained.

Restoration of
seized Goods,
Ships, Vessels,
or Boats to be
in the Commis-
sioners ofcus-
toms.

CXXXIII. And be it further enacted, That in case any Goods, Ships, Vessels, or Boats shall be seized as forfeited, or detained as under-valued, by virtue of any Act of Parliament relating to the Customs, it shall be lawful for the Commissioners of His Majesty's Customs to order the same to be restored in such Manner and on such Terms and Conditions as they shall think fit to direct; and if the Proprietor of the same shall accept the Terms and Conditions prescribed by the said Commissioners, he shall not have or maintain any Action for Recompence or Damage on account of such Seizure or Detention; and the Person making such Seizure shall not proceed in any Manner for Condemnation.

Remission of
Forfeitures and
Penalties by
Commissioners,
on Proof of
Innocence of
Owners and
Master.

CXXXIV. And be it further enacted, That if any Ship shall have become liable to Forfeiture on account of any Goods laden therein or unladen therefrom, or if the Master of any Ship shall have become liable to any Penalty on account of any Goods laden in such Ship or unladen therefrom, and such Goods shall be small in Quantity or of trifling Value, and it shall be made appear to the Satisfaction of the Commissioners of His Majesty's Customs that such Goods had been laden or unladen contrary to the Intention of the Owners of such Ship, or without the Privity of the Master thereof, as the Case may be, it shall be lawful for the said Commissioners to remit such Forfeiture, and also to remit or mitigate such Penalty, as they shall see reason to acquit such Master of all Blame in respect of such Offence, or more or less to attribute the Commission of such Offence to Neglect of Duty on his Part as Master of such Ship; and every Forfeiture and every Penalty or Part thereof, so remitted, shall be null and void, and no Suit or Action shall be brought or maintained by any Person whatever on account thereof.

Ships not bring-
ing to at Sta-
tions, Masters
to forfeit.

CXXXV. And be it further enacted, That if any Ship coming up or departing out of any Port in the United Kingdom or in the *Isle of Man* shall not bring to at the proper Stations in such Port appointed by the Commissioners of His Majesty's Customs for the boarding or landing of Officers of the Customs, the Master of such

such Ship shall for every such Offence forfeit the Sum of One hundred Pounds.

CXXXVI. And be it further enacted, That it shall be lawful for the Commissioners of His Majesty's Customs, and for the Collector and Controller of any Port under their Directions, to station Officers on board any Ship while within the Limits of any Port in the United Kingdom or in the *Isle of Man*; and the Master of every Ship on board of which any Officer is so stationed shall provide every such Officer sufficient Room under the Deck, in some Part of the Forecastle or Steerage, for his Bed or Hammock, and in case of Neglect or Refusal so to do shall forfeit the Sum of One hundred Pounds.

CXXXVII. And be it further enacted, That whenever any Goods shall be taken to and secured in any of the King's Warehouses in the United Kingdom or in the *Isle of Man*, for Security of the Duties thereon, or to prevent the same from coming into Home Use, it shall and may be lawful for the Commissioners of His Majesty's Customs to charge and demand and receive Warehouse Rent for such Goods for all such Time as the same shall remain in such Warehouse, at the same Rate as may be payable for the like Goods when warehoused in any Warehouse in which such Goods may be warehoused without Payment of Duty: Provided always, that it shall be lawful for the Lords Commissioners of His Majesty's Treasury, or the Commissioners of His Majesty's Customs, by Warrant or Order under their Hands respectively, from Time to Time to fix the Amount of Rent which shall be payable for any Goods secured in any of the King's Warehouses as aforesaid.

CXXXVIII. And be it further enacted, That in case such Goods shall not be duly cleared from the King's Warehouse within Three Calendar Months, (or sooner, if they be of a perishable Nature,) it shall be lawful for the Commissioners of His Majesty's Customs to cause such Goods to be publicly sold by Auction, for Home Use or for Exportation, as the Case may be; and the Produce of such Sale shall be applied towards the Payment of the Duties, if sold for Home Use, and of the Warehouse Rent and all other Charges; and the Overplus (if any) shall be paid to the Person authorized to receive the same: Provided always, that it shall be lawful for the said Commissioners to cause any of such Goods to be destroyed as cannot be sold for a Sum sufficient to pay such Duties and Charges, if sold for Home Use, or sufficient to pay such Charges, if sold for Exportation: Provided also, that if such Goods shall have been landed by the Officers of the Customs, and the Freight of the same shall not have been paid, the Produce of such Sale shall be first applied to the Payment of such Freight.

CXXXIX. And be it further enacted, That it shall be lawful for His Majesty, by His Commission out of the Court of Exchequer, from Time to Time to appoint any Port, Haven, or Creek in the United Kingdom or in the *Isle of Man*, and to set out the Limits thereof, and to appoint the proper Places within the same to be legal Quays for the lading and unlading of Goods, and to declare that any Place which had been set out as a legal Quay by such Authority shall be no longer a legal Quay, and to appoint any

GENERAL REGULATIONS.

Officers may be stationed in Ships in the Limits of any Port.

Accommodation of Officers.

Power to charge Rent in King's Warehouse.

Power to sell Goods not cleared from King's Warehouse.

Power for His Majesty to appoint Ports and legal Quays.

GENERAL
REGULATIONS.

new Place within any Port to be a legal Quay for the lading and unloading of Goods: Provided always, that all Ports, Havens, and Creeks, and the respective Limits thereof, and all legal Quays, appointed and set out and existing as such at the Commencement of this Act under any Law till then in force, shall continue to be such Ports, Havens, Creeks, Limits, and legal Quays respectively as if the same had been appointed and set out under the Authority of this Act.

Averment of
Offence.

CXL. And be it further enacted, That in any Information or other Proceeding for any Offence against any Act made or to be made relating to the Customs, the Averment that such Offence was committed within the Limits of any Port shall be sufficient, without Proof of such Limits, unless the contrary be proved.

Commissioners
may appoint
Sufferance
Wharfs.

CXLI. And be it further enacted, That it shall be lawful for the Commissioners of His Majesty's Customs from Time to Time, by any Order under their Hands, to appoint Places to be Sufferance Wharfs, for the lading and unloading of Goods by Sufferance, to be duly issued by them, or by the proper Officers under their Directions, in such Manner and in such Cases as they shall see fit.

No Ships en-
gaged in the
Carriage of
Letters to im-
port or export
Goods.

CXLII. And be it further enacted, That no Ship or Boat appointed and employed ordinarily for the Carriage of Letters shall import or export any Goods without Permission of the Commissioners of His Majesty's Customs, under the Penalty of the Forfeiture of One hundred Pounds, to be paid by the Master of such Ship or Boat.

No Person
deemed an Ap-
prentice until
Indenture en-
rolled with
Collector.
4 G. 4. c. 25.

CXLIII. And be it further enacted, That no Person shall be deemed to be an Apprentice for the Purposes of an Act passed in the Fourth Year of the Reign of His late Majesty, intituled *An Act for regulating the Number of Apprentices to be taken on board British Merchant Vessels, and for preventing Desertion of Seamen*, unless the Indenture of such Apprentice shall have been enrolled with the Collector and Controller of the Port from which any such Apprentice shall first go to Sea after the Date of such Indenture, or in default of such Enrolment, until the same shall have been enrolled at some Port from which the Ship in which such Apprentice shall afterwards go to Sea shall be cleared.

LICENSED
AGENTS.

London.

Persons enter-
ing or clearing
Ships, &c. as
Agents, to be
licensed, and
give Bond.

CXLIV. And be it further enacted, That it shall not be lawful for any Person to act as an Agent for transacting Business at the Custom House in the Port of *London* which shall relate to the Entry or Clearance of any Ship, or of any Goods, or of any Baggage, unless authorized so to do by Licence of the Commissioners of His Majesty's Customs, who are hereby empowered to require Bond to be given by every Person to whom such Licence shall be granted, with One sufficient Surety, in the Sum of One thousand Pounds, for the faithful and incorrupt Conduct of such Person and of his Clerks acting for him: Provided always, that such Bond shall not be required of any Person who shall be one of the sworn Brokers of the City of *London*; and if any Person shall act as such Agent, not being so licensed, or if any Person shall be in Partnership in such Agency with any Person not so licensed, such Person shall, in either Case, for every such Offence forfeit the Sum of One hundred Pounds.

Exception.

Penalty.

Treasury may
revoke Licence.

CXLV. And be it further enacted, That it shall be lawful for the said Commissioners of His Majesty's Treasury, by any Order under

under their Hands, to revoke any such Licence, and that after a Copy of such Order shall have been delivered to such Person or to his Clerk, or left at his usual Place of Abode or Business, such Licence shall be void.

CXLVI. Provided always, and be it further enacted, That nothing herein contained shall extend to prevent the Clerk or Servant of any Person, or of any Persons in Co-partnership, from transacting any Business at the Custom House on account of such Person or Persons, without such Licence; provided such Clerk or Servant shall not transact any such Business as Clerk, Servant, or Agent to any other Person.

CXLVII. And be it further enacted, That it shall be lawful for any such Agent or Agents in Co-partnership to appoint any Person without Licence to be his or their Clerk in transacting such Agency: Provided always, that no Person shall be admitted to be such Clerk to more than One Agent or Co-partnership of Agents, nor until his Name and Residence, and the Date of his Appointment, shall have been indorsed on the Licence of every such Agent, and signed by him, and witnessed by the Signature of the Collector and Controller of the Customs, unless such Person shall have been appointed with Consent of the Commissioners of His Majesty's Customs before the Commencement of this Act.

CXLVIII. And be it further enacted, That it shall be lawful for the said Commissioners of His Majesty's Treasury, by their Warrant, to be published in the *London* or *Dublin Gazette*, to extend the Regulations herein-before made relating to Agents in the Port of *London* to Agents at any other Port in *Great Britain*, or at any Port in *Ireland*.

CXLIX. And be it further enacted, That this Act may be amended, altered, or repealed by any Act to be passed in the present Session of Parliament.

LICENSED
AGENTS.

London.

Not to extend
to Clerks or
Servants of In-
dividuals, nor
to Clerks in
Long Room.

Agent may ap-
point Clerks to
act for him only.

Treasury may
extend Regula-
tions to other
Ports.

Act may be
altered this
Session.

CAP. LIII.

An Act for the Prevention of Smuggling.

[28th August 1833.]

576 G. 4. c. 108.
repealed by
519 G. 4. c. 108.
2nd ed. c. 87

6 G. 4. c. 108.

WHEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for the Prevention of Smuggling*, whereby the Laws of Customs in relation to the Prevention of Smuggling were consolidated and amended: And whereas since the passing of the said Act divers Acts for the further Amendment of the Law in that respect have been found necessary, and it will be of advantage to the Trade and Commerce of the Country that the said Acts should be consolidated into One Act: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That this Act shall commence upon the First Day of *September* One thousand eight hundred and thirty-three, except where any other Commencement is herein particularly directed; and that all the Provisions of it shall extend to any Law in force or hereafter to be made relating to the Customs.

Commence-
ment of Act.

II. And

Vessels and Boats.

Certain Vessels belonging to His Majesty's Subjects, or whereof Half the Persons on board are Subjects of His Majesty, and Foreign Vessels, found within certain Distances of the Coast of the United Kingdom, or of the Islands of Guernsey, Jersey, Alderney, Sark, or Man, with certain Goods on board, forfeited.

II. And be it further enacted, That if any Vessel not being square-rigged, or any Boat, either belonging in the whole or in part to His Majesty's Subjects, or having Half the Persons on board Subjects of His Majesty, shall be found or discovered to have been within One hundred Leagues of the Coast of the United Kingdom; or if any Vessel either belonging in the whole or in part to His Majesty's Subjects, or having Half the Persons on board Subjects of His Majesty, or any Foreign Vessel not being square-rigged, or any Foreign Boat, in which there shall be One or more Subjects of His Majesty, shall be found or discovered to have been within Four Leagues of that Part of the United Kingdom which is between the North Foreland on the Coast of *Kent* and *Beachy Head* on the Coast of *Sussex*, or within Eight Leagues of any other Part of the Coast of the United Kingdom; or if any Foreign Vessel or Boat shall be found or discovered to have been within One League of the Coast of the United Kingdom; or if any Vessel or Boat shall be found or discovered to have been within One League of the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man* respectively, or within any Bay, Harbour, River, or Creek of or belonging to any one of the said Islands; any such Vessel or Boat so found or discovered, having on board or in any Manner attached thereto, or having had on board or in any Manner attached thereto, or conveying or having conveyed in any Manner, any Spirits not being in a Cask or Package containing Forty Gallons at the least, or any Tea exceeding Six Pounds Weight in the whole, or any Tobacco or Snuff not being in a Cask or Package containing Four hundred and fifty Pounds Weight at least, or being packed separately in any Manner within any Cask or Package, or any Cordage or other Articles adapted and prepared for slinging or sinking small Casks, or any Casks or other Vessels whatsoever of less Size or Content than Forty Gallons, of the Description used for the smuggling of Spirits, then and in every such Case the said Spirits, Tea, Tobacco, or Snuff, together with the Casks or Packages containing the same, and the Cordage or other Articles, Casks, and other Vessels of the Description aforesaid, and also the Vessel or Boat, shall be forfeited.

Any Vessel or Boat arriving within any Port of the United Kingdom, having prohibited Goods on board or attached thereto, forfeited, unless there was no Want of Care in the Master or Owner.

III. And be it further enacted, That if any Vessel or Boat whatever shall arrive, or shall be found or discovered to have been within any Port, Harbour, River, or Creek of the United Kingdom, not being driven thereinto by Stress of Weather or other unavoidable Accident, having on board or in any Manner attached thereto, or having had on board or in any Manner attached thereto, or conveying or having conveyed in any Manner, within any such Port, Harbour, River, or Creek, any Spirits not being in a Cask or Package containing Forty Gallons at the least, or any Tobacco or Snuff not being in a Cask or Package containing Four hundred and fifty Pounds Weight at least, or being packed separately in any Manner within any Cask or Package, every such Vessel or Boat, together with such Spirits or Tobacco or Snuff, shall be forfeited: Provided always, that if it shall be made appear to the Satisfaction of the Commissioners of His Majesty's Customs that the said Spirits, Tobacco, or Snuff were on board without the Knowledge or Privity of the Owner or Master of such Vessel or Boat, and without any wilful Neglect or Want of reasonable Care on their or either of their Behalves, that then and in such Case the said Commis-

sioners shall and they are hereby authorized and required to deliver up the said Vessel or Boat to the Owner or Master of the same.

IV. And be it further enacted, That nothing herein contained shall extend to render any Vessel liable to Forfeiture on account of any Tobacco or Snuff from the *East Indies* being in Packages of One hundred Pounds Weight each at least, or on account of any Segars being in Packages of One hundred Pounds Weight each at least, or on account of any Tobacco made up in Rolls, being the Produce of and imported from the State of *Columbia*, and in Packages containing Three hundred and twenty Pounds Weight each at least, or on account of any Tobacco of the Dominions of the *Turkish* Empire which may be separated or divided in any Manner within the outward Package, provided such Package be a Hogshead, Cask, Chest, or Case containing Four hundred and fifty Pounds Weight Net at least, or on account of any Rum of and from the *British* Plantations in Casks containing Twenty Gallons at the least, or on account of any Spirits, Tea, or Tobacco really intended for the Consumption of the Seamen and Passengers on board during their Voyage, and not being more in Quantity than is necessary for that Purpose, or to render any square-rigged Vessel liable to Forfeiture on account of any Tea, or of any Spirits in Glass Bottles, being really Part of the Cargo of such Ship and included in the Manifest of such Ship, or to render any Vessel liable to Forfeiture if really bound from one Foreign Port to another Foreign Port, and pursuing such Voyage, Wind and Weather permitting.

V. And be it further enacted, That when any Vessel or Boat belonging in the whole or in part to His Majesty's Subjects, or having One Half of the Persons on board Subjects of His Majesty, shall be found within One hundred Leagues of the Coast of this Kingdom, and shall not bring to upon Signal made by any Vessel or Boat in His Majesty's Service, or in the Service of the Revenue, hoisting the proper Pendant and Ensign, in order to bring such Vessel or Boat to, and thereupon Chase shall be given, if any Person or Persons on board such Vessel or Boat so chased shall, during the Chase or before such Vessel or Boat shall bring to, throw overboard any Part of the Lading of such Vessel or Boat, or shall stave or destroy any Part of such Lading, to prevent Seizure thereof, that then and in such Case the said Vessel or Boat shall be forfeited; and all Persons escaping from such Vessels or Boats, or from any Foreign Vessel or Boat, during any Chase made thereof by any Vessel or Boat in His Majesty's Service or in the Service of the Revenue, shall be deemed and taken to be Subjects of His Majesty, unless it shall be proved to the contrary.

VI. And be it further enacted, That if any Vessel or Boat whatever shall be found within the Limits of any Port of the United Kingdom with a Cargo on board, and such Vessel or Boat shall afterwards be found light or in Ballast, and the Master is unable to give a due Account of the Port or Place within the United Kingdom where such Vessel or Boat shall have legally discharged her Cargo, such Vessel or Boat shall be forfeited.

VII. And be it further enacted, That no Vessel or Boat belonging wholly or in part to His Majesty's Subjects shall sail from *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man* without a Clearance, whether in Ballast or having a Cargo; and if with a Cargo, the Master shall give

Vessels and Boats.

Certain Cases in which Vessels shall not be forfeited for having on board Tobacco, Snuff, Spirits, Tea, or Segars.

Vessels belonging to His Majesty's Subjects, or having One Half of the Persons on board Subjects of His Majesty, throwing overboard any Goods during Chase, forfeited, and Persons escaping deemed Subjects.

Vessels in Port with a Cargo, and afterwards found in Ballast and Cargo unaccounted for, forfeited.

Regulations as to Vessels sailing from *Guernsey*, *Jersey*, &c.

Vessels and Boats.

Vessels to bring to on being chased by Vessels or Boats of the Navy or in Preventive Service; not bringing to, may be fired into.

Vessels belonging to His Majesty's Subjects not to hoist any Pendant, Ensign, or Colours usually worn by His Majesty's Ships.

Vessels and Boats used in Removal of run Goods to be forfeited.

Boats of Vessels to have thereon the Name of Vessel, Port, and Master.

give Bond to His Majesty, in Double the Value of the Vessel or Boat and of the Cargo, for duly landing the same at the Port for which the Vessel clears; and every such Vessel or Boat not having such Clearance, or which, having a Clearance for a Cargo, shall be found light or with any Part of the Cargo discharged before Delivery thereof at the Port specified in the Clearance, (unless through Necessity or for Preservation of the Vessel or Boat, to be proved to the Satisfaction of the Commissioners of His Majesty's Customs,) shall be forfeited.

VIII. And be it further enacted, That in case any Vessel or Boat liable to Seizure or Examination under any Act or Law for the Prevention of Smuggling shall not bring to on being required so to do, on being chased by any Vessel or Boat in His Majesty's Navy having the proper Pendant and Ensign of His Majesty's Ships hoisted, or by any Vessel or Boat duly employed for the Prevention of Smuggling, having a proper Pendant and Ensign hoisted, it shall be lawful for the Captain, Master, or other Person having the Charge or Command of such Vessel or Boat in His Majesty's Navy, or employed as aforesaid, (first causing a Gun to be fired as a Signal,) to fire at or into such Vessel or Boat; and such Captain, Master, or other Person acting in his Aid or Assistance, or by his Direction, shall be and he is hereby indemnified and discharged from any Indictment, Penalty, Action, or other Proceeding for so doing.

IX. And be it further enacted, That if any Person or Persons shall from and after the passing of this Act wear, carry, or hoist in or on board any Vessel or Boat whatever belonging to any of His Majesty's Subjects, whether the same be Merchant or otherwise, without particular Warrant for so doing from His Majesty, or His High Admiral of *Great Britain*, or the Commissioners for executing the Office of High Admiral of *Great Britain*, His Majesty's Jack, commonly called the Union Jack, or any Pendant, Ensign, or Colours usually worn by His Majesty's Ships, or any Flag, Jack, Pendant, Ensign, or Colours resembling those of His Majesty, or those used on board His Majesty's Ships, or any other Ensign or Colours than the Ensign or Colours by any Proclamation of His Majesty now in force or hereafter to be issued prescribed to be worn, then and in every such Case the Master or other Person having the Charge or Command thereof, or the Owner or Owners being on board the same, and every other Person so offending, shall forfeit and pay the Sum of Fifty Pounds; and that it shall be lawful for any Officer or Officers of His Majesty's Navy on Full Pay, or for any Officer or Officers of Customs or Excise, to enter on board any such Vessel or Boat, and to seize any such Flag, Jack, Pendant, Ensign, or Colours, and the same shall thereupon be forfeited.

X. And be it further enacted, That all Vessels and Boats made use of in the Removal, Carriage, or Conveyance of any Goods liable to Forfeiture under this or any other Act relating to the Revenue of Customs shall be forfeited.

XI. And be it further enacted, That the Owner of every Vessel belonging in the whole or in part to any of His Majesty's Subjects shall paint or cause to be painted upon the Outside of the Stern of every Boat belonging to such Vessel the Name of such Vessel, and

and the Port or Place to which she belongs, and the Master's Name withinside the Transum, in White or Yellow Roman Letters, not less than Two Inches in Length, on a Black Ground, on pain of the Forfeiture of such Boat not so marked, wherever the same shall be found.

*Vessels and
Boats.*

XII. And be it further enacted, That the Owner of every Boat not belonging to any Vessel shall paint or cause to be painted upon the Stern of such Boat, in White or Yellow Roman Letters of Two Inches in Length, on a Black Ground, the Name of the Owner or Owners of the Boat, and the Port or Place to which she belongs, on pain of the Forfeiture of such Boat not so marked, wherever the same shall be found.

Boats not belonging to Ships to have Name of Owner and Port thereon.

XIII. And be it further enacted, That the Owner or Owners of every Vessel or Boat employed on the Coasts of the United Kingdom in piloting or fishing shall paint or tar every such Vessel or Boat, or cause the same to be painted or tarred, entirely Black, except the Name or other Description now required by Law to be painted on such Vessel or Boat; and every such Vessel or Boat found not so painted or tarred, and every Boat so painted as to resemble any Boat usually employed for the Prevention of Smuggling or in any other Employment in His Majesty's Service, shall be forfeited: Provided always, that nothing herein contained shall extend to prevent any distinguishing Mark from being placed on any such Vessel or Boat, or to be otherwise painted if the Commissioners of His Majesty's Customs shall think proper to allow the same, and which shall be so expressed in the Licence of the said Vessel or Boat.

Vessels and Boats used in piloting or fishing to be painted Black, and not to be painted like Preventive Boats.

XIV. And be it further enacted, That all Vessels and Boats belonging in the whole or in part to His Majesty's Subjects, having false Bulkheads, false Bows, double Sides or Bottoms, or any secret or disguised Place whatsoever in the Construction of the said Vessel or Boat adapted for the Purpose of concealing Goods, or having any Hole, Pipe, or other Device in or about the Vessel or Boat adapted for the Purpose of running Goods, shall be forfeited, with all the Guns, Furniture, Ammunition, Tackle, and Apparel belonging to such Vessel or Boat; and that all Foreign Vessels or Boats, not being square-rigged, coming to or arriving at any Port of the United Kingdom, having on board any Goods liable to the Payment of Duties, or prohibited to be imported into the United Kingdom, concealed in false Bulkheads, false Bows, double Sides or Bottoms, or any secret or disguised Place whatsoever in the Construction of the said Vessel or Boat, shall be forfeited.

British Vessels having secret Places for concealing, or Devices for running Goods, and Foreign Vessels not square-rigged having Goods in secret Places, forfeited.

XV. And be it further enacted, That if any Goods which are subject to any Duty or Restriction in respect of Importation, or which are prohibited to be imported into the United Kingdom, shall be found concealed in any Manner on board any Vessel, or shall be found, either before or after landing, to have been concealed in any Manner, that then and in such Case all such Goods, and all other Goods which shall be packed with them, shall be forfeited.

Goods concealed on board forfeited, and all Goods packed therewith.

XVI. And be it further enacted, That all Vessels belonging in the whole or in part to His Majesty's Subjects, not being square-rigged or propelled by Steam, and all Vessels belonging as aforesaid, whether propelled by Steam or otherwise, being of less Burthen

Licences.

Vessels of certain Proportions not being square-rigged,

Licences.

or if armed for Resistance, to be licensed.

Vessels and Boats belonging to His Majesty's Subjects, or whereof Half the Persons on board are Subjects of His Majesty, not to be navigated with a greater Number of Persons than herein mentioned. unless licensed.

Certain Particulars to be inserted in Licences for Vessels and Boats.

Licences may be restricted by the Commissioners of Customs.

The Owners to give Security by Bond, with the Condition herein mentioned.

than Two hundred Tons, of which the Length is to the Breadth in a greater Proportion than Three Feet Six Inches to One Foot, and all such last-mentioned Vessels carrying Arms for Resistance, and all Vessels of more than Two hundred Tons Burthen, belonging as aforesaid, armed with more than Two Carriage Guns of a Calibre exceeding Four Pounds, and with more than Two Muskets for every Ten Men, and all Boats belonging as aforesaid, which shall be found within One hundred Leagues of the Coast of the United Kingdom, shall be forfeited, unless the Owners thereof shall have obtained a Licence from the Commissioners of His Majesty's Customs in the Manner herein-after directed.

XVII. And be it further enacted, That every Vessel or Boat belonging in the whole or in part to His Majesty's Subjects, or whereof One Half of the Persons on board shall be Subjects of His Majesty, (not being a Lugger, and at the Time fitted and rigged as such,) which shall be navigated by a greater Number of Men (Officers and Boys included) than in the following Proportions; (that is to say,) if of Thirty Tons or under, and above Five Tons, Four Men; if of Sixty Tons or under, and above Thirty Tons, Five Men; if of Eighty Tons or under, and above Sixty Tons, Six Men; if of One hundred Tons or under, and above Eighty Tons, Seven Men; and above that Tonnage, One Man for every Fifteen Tons of such additional Tonnage; or if a Lugger, then in the following Proportions; (that is to say,) if of Thirty Tons or under, Eight Men; if of Fifty Tons or under, and above Thirty Tons, Nine Men; if of Sixty Tons or under, and above Fifty Tons, Ten Men; if of Eighty Tons or under, and above Sixty Tons, Eleven Men; if of One hundred Tons or under, and above Eighty Tons, Twelve Men; and if above One hundred Tons, One Man for every Ten Tons of such additional Tonnage, which shall be found within One hundred Leagues of the Coast of the United Kingdom, shall be forfeited, unless such Vessel, Boat, or Lugger shall be especially licensed for that Purpose by the Commissioners of His Majesty's Customs.

XVIII. And be it further enacted, That every Licence granted by the Commissioners of His Majesty's Customs for any Vessel or Boat requiring Licence under this Act shall contain the proper Description of such Vessel or Boat, the Name or Names of the Owner or Owners, with his or their Place or Places of Abode, and the Manner and the Limits in which the same is to be employed, and, if armed, the Numbers and Description of Arms, and the Quantity of Ammunition, together with any other Particulars which the said Commissioners may require and direct; and that it shall be lawful for the Commissioners of His Majesty's Customs to restrict the granting of a Licence for any Vessel or Boat in any Way that they may deem expedient for the Security of the Revenue.

XIX. And be it further enacted, That before any such Licence shall be issued or delivered or shall have effect for the Use of such Vessel or Boat, the Owner or Owners of every such Vessel or Boat shall give Security by Bond in the single Value of such Vessel or Boat, with Condition as follows; (that is to say,) that the Vessel or Boat shall not be employed in the Importation, landing, or removing of any prohibited or uncustomed Goods, contrary to the true Intent and Meaning of this Act or any other Act relating to the Revenues

Licences.
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Revenues of Customs or Excise, nor in the Exportation of any Goods which are or may be prohibited to be exported, nor in the relanding of any Goods contrary to Law, nor shall receive or take on board or be found at Sea or in Port with any Goods subject to Forfeiture, nor shall do any Act contrary to this Act, or any Act hereafter to be made relating to the Revenues of Customs or Excise, or for the Protection of the Trade and Commerce of the United Kingdom, nor shall be employed otherwise than mentioned in the Licence and within the Limits therein mentioned; and in case of Loss, breaking up, or Disposal of the Vessel or Boat, that the Licence shall be delivered, within Six Months from the Date of such Loss, breaking up, or Disposal of such Vessel or Boat, to the Collector or principal Officer of Customs at the Port to which such Vessel or Boat shall belong; and that no such Bond given in respect of any Boat shall be liable to any Stamp Duty.

XX. And be it further enacted, That nothing herein contained shall authorize the requiring any Bond in any higher Sum than One thousand Pounds, although the single Value of the Vessel or Boat for which such Licence is to be issued may be more than One thousand Pounds.

Penalty not to exceed 1,000*l.* or single Value of the Vessel.

XXI. And be it further enacted, That all Bonds given by Persons under the Age of Twenty-one Years, in pursuance of the Directions herein contained, shall be valid and effectual to all Intents and Purposes, any thing in any Act, or any Law or Custom, to the contrary in anywise notwithstanding.

Licence Bonds given by Minors to be valid.

XXII. And be it further enacted, That when any Vessel or Boat shall be found or discovered to have been used or employed in any Manner or in any Limits other than such as shall be specified in the Licence hereby required, or if such Licence shall not be on board such Vessel or Boat, or shall not at any Time be produced and delivered for Examination to any Officer or Officers of the Army, Navy, or Marines duly employed for the Prevention of Smuggling, and on Full Pay, or any Officer of Customs or Excise, demanding the same, that then and in every such Case such Vessel or Boat, and all the Goods laden on board, shall be forfeited.

Vessels not to be used in any Manner not mentioned in the Licence, which is to be produced when demanded.

XXIII. Provided always, and be it further enacted, That nothing herein contained shall extend or be deemed or taken to extend to any Vessel, Boat, or Lugger belonging to any of the Royal Family, or being in the Service of the Navy, Victualling, Ordnance, Customs, Excise, or Post Office, nor to any Whale Boat or Boat solely employed in the Fisheries, nor to any Boat belonging to any square-rigged Vessel in the Merchant Service, nor to any Life Boat or Tow Boat used in towing Vessels belonging to licensed Pilots, nor to any Boat used solely in Rivers or inland Navigation, nor to any Boats solely used in fishing on the Coasts of the North and West Highlands of Scotland, nor to any Boats so used on the Coast of Ireland.

Certain Vessels, Boats, and Luggers not required to be licensed.

XXIV. And be it further enacted, That if any Person or Persons shall counterfeit, erase, alter, or falsify, or cause to be counterfeited, erased, altered, or falsified, any Licence so to be granted as aforesaid, or shall knowingly make use of any Licence so counterfeited, erased, altered, or falsified, such Person or Persons shall for every such Offence forfeit the Sum of Five hundred Pounds.

Penalty for counterfeiting or falsifying Licences, or making use thereof.

Licences.

How long
Bonds are to be
in force.

Licences and
Bonds granted
previous to this
Act to continue
valid.

Provisions as to
Licences to ex-
tend to Guern-
sey, &c.

Vessels and
Goods.

Goods un-
shipped without
Payment of
Duty, and pro-
hibited Goods,
liable to For-
feiture, with the
Boats, &c. used
in Removal.

Spirits and To-
bacco found
without a Per-
mit to be
deemed run.

Restricted
Goods to be
deemed run
Goods for the
Purpose of pro-
ceeding for For-
feiture.

Prohibited
Goods shipped
or waterborne,
with Intent to
be exported, &c.
forfeited, with
all Goods packed
therewith.

XXV. And be it further enacted, That no Bond given on account of the Licence of any Vessel or Boat under the said Act for the Prevention of Smuggling shall be cancelled until the Space of Twelve Months after the Licence for which such Bond had been entered into shall have been delivered up to the proper Officer of the Customs, and such Bond shall remain in full Force and Effect for Twelve Months after the delivering up of the Licence as aforesaid.

XXVI. And be it further enacted, That all Licences for any Vessels or Boats granted in pursuance of any Act relating to the Customs shall continue valid for all the Purposes for which such Licences were required, and all Bonds given in pursuance of any such Act shall continue valid and may be enforced, any thing herein contained notwithstanding.

XXVII. And be it further enacted, That all the Provisions herein contained relating to the licensing of Vessels and Boats shall extend to the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, and *Man*.

XXVIII. And be it further enacted, That if any Goods liable to the Payment of Duties shall be unshipped from any Vessel or Boat in the United Kingdom or the *Isle of Man*, (Customs or other Duties not being first paid or secured,) or if any prohibited Goods whatsoever shall be imported into any Part of the United Kingdom or of the *Isle of Man*, or if any Goods whatsoever which shall have been warehoused or otherwise secured in the United Kingdom, either for Home Consumption or Exportation, shall be clandestinely or illegally removed from or out of any Warehouse or Place of Security, that then and in such Case all such Goods as aforesaid shall be forfeited, together with all Horses and other Animals, and all Carriages and other Things, made use of in the Removal of such Goods.

XXIX. And be it further enacted, That all Spirits or Tobacco which shall be found removing without a legal Permit for the same shall be deemed to be Spirits or Tobacco respectively liable to and unshipped without Payment of Duty, unless the Party in whose Possession the same shall be found or seized shall prove to the contrary.

XXX. And be it further enacted, That all Goods the Importation of which is in any Way restricted, which are of a Description admissible to Duty, and which shall be found and seized in the United Kingdom under any Law relating to the Customs or Excise, shall for the Purpose of proceeding for the Forfeiture of them, or for any Penalty incurred in respect of them, be described in any Information exhibited on account of such Forfeiture or Penalty as Goods liable to and unshipped without Payment of Duties.

XXXI. And be it further enacted, That if any Goods which are prohibited to be exported shall be put on board any Vessel or Boat with Intent to be laden or shipped for Exportation, or shall be brought to any Quay, Wharf, or other Place in the United Kingdom in order to be put on board any Vessel or Boat for the Purpose of being exported, or if any Goods which are prohibited to be exported shall be found in any Package produced to the Officer or Officers of the Customs as containing Goods not so prohibited, that then and in every such Case, not only all such prohibited Goods, but also all other Goods packed therewith, shall be forfeited.

XXXII. And

XXXII. And be it further enacted, That all Vessels and Boats, and all Goods whatsoever, liable to Forfeiture under this or any other Act relating to the Revenue of Customs, shall and may be seized in any Place, either upon Land or Water, by any Officer or Officers of His Majesty's Army, Navy, or Marines, duly employed for the Prevention of Smuggling, and on Full Pay, or by any Officer or Officers of Customs or Excise, or by any Person having Authority to seize from the Commissioners of His Majesty's Customs or Excise; and all Vessels, Boats, and Goods so seized shall, as soon as conveniently may be, be delivered into the Care of the proper Officer appointed to receive the same.

Vessels and Goods.

Vessels, Boats, and Goods may be seized by Officers and Persons herein mentioned, and must be delivered to the proper Officer.

XXXIII. And be it further enacted, That if any Officer or Officers of the Customs or Excise, or any Officer or Officers of the Army, Navy, or Marines, duly employed for the Prevention of Smuggling, and on Full Pay, or any other Person or Persons whatsoever duly employed for the Prevention of Smuggling, shall make any collusive Seizure, or deliver up, or make any Agreement to deliver up or not to seize, any Vessel or Boat or any Goods liable to Forfeiture, or shall take any Bribe, Gratuity, Recompence, or Reward for the Neglect or Nonperformance of his Duty, every such Officer or other Person shall forfeit for every such Offence the Sum of Five hundred Pounds, and be rendered incapable of serving His Majesty in any Office whatever, either Civil or Military; and every Person who shall give or offer, or promise to give or procure to be given, any Bribe, Recompence, or Reward to, or shall make any collusive Agreement with, any such Officer or Person as aforesaid, to induce him in any way to neglect his Duty, or to do, conceal, or connive at any Act whereby any of the Provisions of any Act of Parliament relating to the Revenue of Customs may be evaded, shall forfeit the Sum of Two hundred Pounds.

Penalty on Officers and Persons making collusive Seizures or taking Bribes, and on Persons offering them.

XXXIV. And be it further enacted, That it shall and may be lawful to and for any Officer or Officers of the Army, Navy, or Marines, duly employed for the Prevention of Smuggling, and on Full Pay, or for any Officer or Officers of Customs, producing his or their Warrant or Deputation (if required), to go on board any Vessel which shall be within the Limits of any of the Ports of this Kingdom, and to rummage and to search the Cabin and all other Parts of such Vessel for prohibited and uncustomed Goods, and to remain on board such Vessel during the whole Time that the same shall continue within the Limits of such Port, and also to search any Person or Persons either on board or who shall have landed from any Vessel, provided such Officer or Officers shall have good Reason to suppose that such Person or Persons hath or have any uncustomed or prohibited Goods secreted about his, her, or their Person or Persons; and if any Person shall obstruct any such Officer or Officers in going or remaining on board, or in entering or searching such Vessel or Person, every such Person shall forfeit and lose the Sum of One hundred Pounds.

Vessels may be searched within the Limits of the Ports, as also Persons on board, or who may have landed from them, if the Officers have reason to suspect Goods are concealed about their Persons.

XXXV. And be it further enacted, That before any Person shall be searched by any such Officer or Officers as aforesaid it shall be lawful for such Person to require such Officer or Officers to take him or her before any Justice of the Peace, or before the Collector, Comptroller, or other superior Officer of the Customs, who shall determine whether there is reasonable Ground to suppose

Before Persons are searched, they may require to be taken before a Justice or a superior Officer of the Customs,

Vessels and Goods.

who shall determine whether there are reasonable Grounds of Suspicion.

that such Person has any uncustomed or prohibited Goods about his or her Person; and if it shall appear to such Justice, Collector, Comptroller, or other superior Officer of Customs, that there is reasonable Ground to suppose that such Person has any uncustomed or prohibited Goods about his or her Person, that then such Justice, Collector, Comptroller, or other superior Officer of Customs shall direct such Person to be searched in such Manner as he shall think fit; but if it shall appear to such Justice, Collector, Comptroller, or other superior Officer of Customs, that there is not reasonable Ground to suppose that such Person has any uncustomed or prohibited Goods about his or her Person, that then such Justice, Collector, Comptroller, or other superior Officer of Customs shall forthwith discharge such Person, who shall not in such Case be liable to be searched; and every such Officer or Officers as aforesaid is and are hereby authorized and required to take such Person, upon Demand, before any such Justice, Collector, Comptroller, or other superior Officer of Customs, detaining him or her in the meantime: Provided always, that no Person being a Female shall be searched by any other Person than a Female duly authorized for that Purpose by the Commissioners of His Majesty's Customs.

Penalty on Officers for Misconduct with respect to Search.

XXXVI. And be it further enacted, That if any such Officer or Officers shall not take such Person with reasonable Dispatch before such Justice, Collector, Comptroller, or other superior Officer of Customs, when so required, or shall require any Person to be searched by him, not having reasonable Ground to suppose that such Person has any uncustomed or prohibited Goods about his or her Person, that such Officer shall forfeit and pay the Sum of Ten Pounds.

Penalty on Persons denying having Foreign Goods about them.

XXXVII. And be it further enacted, That if any Passenger or other Person on board any Vessel or Boat shall, upon being questioned by any Officer or Officers of His Majesty's Customs, whether he or she has any Foreign Goods upon his or her Person, or in his or her Possession, deny the same, and any such Goods shall, after such Denial, be discovered upon his or her Person, or in his or her Possession, such Goods shall be forfeited, and such Person shall forfeit Treble the Value of such Goods.

Officers authorized by Writ of Assistance, and having a Peace Officer, may search Houses for prohibited Goods, and break open Doors and Packages to seize such Goods.

XXXVIII. And be it further enacted, That it shall and may be lawful for any Officer or Officers of Customs, or Person acting under the Direction of the Commissioners of His Majesty's Customs, having a Writ of Assistance under the Seal of His Majesty's Court of Exchequer, to take a Constable, Headborough, or other public Officer inhabiting near the Place, and in the Daytime to enter into and search any House, Shop, Cellar, Warehouse, Room, or other Place, and in case of Resistance to break open Doors, Chests, Trunks, and other Packages, there to seize and from thence to bring any uncustomed or prohibited Goods, and to put and secure the same in the Custom House Warehouse in the Port next to the Place from whence such Goods shall be so taken as aforesaid: Provided always, that for the Purposes of this Act any such Constable, Headborough, or other public Officer, duly sworn as such, may act as well without the Limits of any Parish, Ville, or other Place for which he shall be so sworn as within such Limits.

Duration of Writs of Assistance.

XXXIX. And be it further enacted, That all Writs of Assistance so issued from the Court of Exchequer as aforesaid shall continue

tinue and be in force during the whole of the Reign in which such Writs shall have been granted, and for Six Months from the Conclusion of such Reign.

Vessels and Goods.

XL. And be it further enacted, That it shall be lawful for any Officer of Customs or Excise, or other Person acting in his or their Aid or Assistance, or duly employed for the Prevention of Smuggling, upon reasonable Suspicion, to stop and examine any Cart, Waggon, or other Means of Conveyance, for the Purpose of ascertaining whether any smuggled Goods are contained therein; and if no such Goods shall be found, then and in such Case the Officer or other Person so stopping and examining such Cart, Waggon, or other Conveyance, having had probable Cause to suspect that such Cart, Waggon, or other Conveyance had smuggled Goods contained therein, shall not, on account of such Stoppage and Search, be liable to any Prosecution or Action at Law on account thereof; and all Persons driving or conducting such Cart, Waggon, or other Conveyance, refusing to stop when required so to do in the King's Name, shall forfeit the Sum of One hundred Pounds.

Officers of Customs or Excise may, on probable Cause, stop Carts, &c., and search for Goods.

XLI. And be it further enacted, That if any Goods subject or liable to Forfeiture under this or any other Act relating to the Customs shall be stopped or taken by any Police Officer or other Person acting by virtue of any Act of Parliament, or otherwise duly authorized, such Goods shall be carried to the Custom House Warehouse next to the Place where the Goods were stopped or taken, and there delivered to the proper Officer appointed to receive the same, within Forty-eight Hours after the said Goods were stopped and taken.

Police Officers seizing Goods to carry them to the Custom House Warehouse.

XLII. And be it further enacted, That if any such Goods shall be stopped or taken by such Police Officer on Suspicion that the same have been feloniously stolen, it shall be lawful for the said Officer to carry the same to the Police Office to which the Offender is taken, there to remain until and in order to be produced at the Trial of the said Offender; and in such Case the Officer is required to give Notice in Writing to the Commissioners of His Majesty's Customs of his having so detained the said Goods, with the Particulars of the same; and immediately after the Trial all such Goods are to be conveyed and deposited in the Custom House Warehouse as aforesaid, to be proceeded against according to Law; and in case any Police Officer making Detention of any such Goods shall neglect to convey the same to such Warehouse, or to give the Notice of having stopped the same as before described, such Officer shall forfeit the Sum of Twenty Pounds.

Goods stopped by Police Officers may be retained until Trial of Persons charged with stealing them.

XLIII. And be it further enacted, That it shall and may be lawful for the Commissioners of His Majesty's Treasury, or any Three or more of them, for the Time being, or for the Commissioners of His Majesty's Customs or Excise, by any Order made for that Purpose under their Hands, to direct any Vessel, Boat, Goods, or Commodities whatever seized as aforesaid under this or any Act relating to the Customs or Excise, or to the Trade or Navigation of the United Kingdom, or to any of His Majesty's Possessions Abroad, to be delivered to the Proprietor or Proprietors, whether Condemnation shall have taken place or not, upon such Terms and Conditions as they may deem expedient, and which shall be mentioned in the said Order; and it shall be also lawful

Commissioners of Treasury, or Commissioners of Customs or Excise, may restore Seizures, and mitigate or remit Penalties.

Vessels and Goods.

for the said Commissioners of His Majesty's Treasury and the said Commissioners of His Majesty's Customs or Excise to mitigate or remit any Penalty or Fine which shall have been incurred, or any Part of such Penalty or Fine incurred under any such Act as last aforesaid: Provided always, that no Person shall be entitled to the Benefit of any Order for Delivery or Mitigation unless the Terms and Conditions expressed in the said Order are fully and effectually complied with.

Penalties.

Persons unshipping, harbouring, or having Custody of any prohibited or uncustomed Goods, to forfeit Treble the Value, or 100*l*.

XLIV. And be it further enacted, That every Person who shall, either in the United Kingdom or the *Isle of Man*, assist or be otherwise concerned in the unshipping of any Goods which are prohibited to be imported into the United Kingdom or into the *Isle of Man*, or the Duties for which have not been paid or secured, or who shall knowingly harbour, keep, or conceal, or shall knowingly permit or suffer to be harboured, kept, or concealed, any Goods which shall have been illegally unshipped without Payment of Duties, or which shall have been illegally removed, without Payment of the same, from any Warehouse or Place of Security in which they may have been deposited, or any Goods prohibited to be imported, or to be used or consumed in the United Kingdom or in the *Isle of Man*, and every Person, either in the United Kingdom or the *Isle of Man*, to whose Hands and Possession any such uncustomed or prohibited Goods shall knowingly come, or who shall assist or be in anywise concerned in the illegal Removal of any Goods from any Warehouse or Place of Security in which they shall have been deposited as aforesaid, shall forfeit either the Treble Value thereof, or the Penalty of One hundred Pounds, at the Election of the Commissioners of His Majesty's Customs.

How Value is to be ascertained.

XLV. And be it further enacted and declared, That in all Cases where any Penalty the Amount of which is at any Time to be determined by the Value of any Goods is directed to be sued for under any Law now in force or hereafter to be made for the Prevention of Smuggling, or relating to the Revenue of Customs or Excise, such Value shall be deemed and taken to be according to the Rate and Price which Goods of the like Sort or Denomination and of the best Quality bear at such Time, and upon which the Duties due upon Importation have been paid.

Persons insuring the Delivery of prohibited or uncustomed Goods to forfeit 500*l*.

XLVI. And be it further enacted, That every Person who by way of Insurance or otherwise shall undertake or agree to deliver any Goods to be imported from beyond the Seas into any Port or Place in the United Kingdom without paying the Duties due on such Importation, or any prohibited Goods, or who in pursuance of such Insurance or otherwise shall deliver or cause to be delivered any uncustomed or prohibited Goods, and every Aider or Abettor of such Person, shall for every such Offence forfeit the Sum of Five hundred Pounds, over and above any other Penalty to which by Law he may be liable; and every Person who shall agree to pay any Money for the Insurance or Conveyance of such Goods, or shall receive or take such Goods into his Custody or Possession, or suffer the same to be so received or taken, shall also forfeit Five hundred Pounds, over and above any Penalty to which by Law he may be liable on account of such Goods.

Penalty on Persons offering Goods for Sale

XLVII. And be it further enacted, That if any Person or Persons shall offer for Sale any Goods under Pretence that the same

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are prohibited, or have been unshipped and run on shore without Payment of Duties, that then and in such Case all such Goods (although not liable to any Duties or prohibited) shall be forfeited, and the Person or Persons, and every of them, offering the same for Sale shall forfeit the Treble Value of such Goods, or the Penalty of One hundred Pounds, at the Election of the Commissioners of His Majesty's Customs.

XLVIII. And be it further enacted, That every Person, being a Subject of His Majesty, who shall be found or discovered to have been on board any Vessel or Boat liable to Forfeiture under this or any other Act relating to the Customs for being found or discovered to have been within any of the Distances, Ports, or Places in this Act mentioned, from or in the United Kingdom, or from or in the *Isle of Man*, having on board or in any Manner attached thereto, or having had on board or in any Manner attached thereto, or conveying or having conveyed in any Manner, such Goods or Things as subject such Vessel or Boat to Forfeiture, or who shall be found or discovered to have been, within any such Distance as aforesaid, on board any Vessel or Boat from which any Part of the Cargo or Lading of such Vessel or Boat shall have been thrown overboard, or staved or destroyed, to prevent Seizure, shall forfeit the Sum of One hundred Pounds; and that every Person, not being a Subject of His Majesty, who shall be found or discovered to have been on board any Vessel or Boat liable to Forfeiture for any of the Causes aforesaid, within One League of the Coast of the United Kingdom or of the *Isle of Man*, or within any Bay, Harbour, River, or Creek of the said Island, shall forfeit for such Offence the Sum of One hundred Pounds; and it shall be lawful for any Officer or Officers of the Army, Navy, or Marines, being duly employed for the Prevention of Smuggling, and on Full Pay, or any Officer or Officers of Customs or Excise, or other Person acting in his or their Aid or Assistance, or duly employed for the Prevention of Smuggling, and he and they is and are hereby authorized, empowered, and required, to detain every such Person, and to carry and convey such Person before any Justice of the Peace in the United Kingdom, to be dealt with as herein-after directed: Provided always, that any such Person proving, to the Satisfaction of any Justice or Justices before whom he may be brought, that he was only a Passenger in such Vessel or Boat, and had no Interest whatever either in the Vessel or Boat, or in the Cargo or any Goods on board the same, shall be forthwith discharged by such Justices.

XLIX. And be it further enacted, That every Person whatsoever who shall unship, or be aiding, assisting, or concerned in the unshipping of any Spirits or Tobacco liable to Forfeiture under this or any other Act relating to the Customs or Excise, either in the United Kingdom or the *Isle of Man*, or who shall carry, convey, or conceal, or be aiding, assisting, or concerned in the carrying, conveying, or concealing of any such Spirits or Tobacco, shall forfeit for such Offence the Sum of One hundred Pounds; and every such Person may be detained by any Officer or Officers of His Majesty's Army, Navy, or Marines, being duly employed for the Prevention of Smuggling, and on Full Pay, or by any Officer or Officers of Customs or Excise, or other Person acting in his or their Aid or Assistance, or duly employed for the Prevention of Smuggling, and taken

Penalties.

under Pretence of being run or prohibited.

Persons found or discovered to have been on board Vessels liable to Forfeiture for being found within certain Limits of the Coast, subject to the Penalty of 100*l.*, and may be detained.

Persons unshipping, or concerned in the carrying away or concealing, Spirits or Tobacco, to forfeit 100*l.*, and may be detained.

Penalties.

Persons carrying, &c. Tea or Manufactured Silk to forfeit Treble the Value, and to be liable to Detention.

taken before any Justice of the Peace in the United Kingdom, to be dealt with as herein-after directed.

L. And be it further enacted, That every Person whatsoever who shall unship, or be aiding, assisting, or otherwise concerned in the unshipping of any Tea or Foreign Manufactured Silk of the Value of Twenty Pounds, liable to Forfeiture under any Act relating to the Customs or Excise, or who shall carry, convey, or conceal, or be aiding, assisting, or concerned in the carrying, conveying, or concealing of such Tea or Silk, shall forfeit for every such Offence Treble the Value thereof; and every such Person shall and may be detained by any Officer or Officers of His Majesty's Army, Navy, or Marines, being duly employed for the Prevention of Smuggling, and on Full Pay, or by any Officer or Officers of Customs or Excise, or by any other Person acting in his or their Aid or Assistance, or duly employed for the Prevention of Smuggling, and taken before any Justice of the Peace in the United Kingdom, to be dealt with as herein-after directed: Provided always, that it shall and may be lawful for such Person so detained to give Security in Treble the Amount of the Goods seized, by Recognizance or otherwise, to the Satisfaction of such Justice of the Peace, to appear at a Time and Place to be appointed; and that no such Person shall be liable to serve His Majesty in His Naval Service.

Where Persons are taken before a Justice for any Offence under any Act relating to the Customs, such Justice may order them to be detained a reasonable Time.

LI. 'And whereas it is expedient that Time should be allowed 'to prepare Informations, Convictions, and Warrants of Commitment;' be it declared and enacted, That where any Person or Persons shall have been detained by any Officer or Officers of the Army, Navy, or Marines, being duly employed for the Prevention of Smuggling, and on Full Pay, or by any Officer of Customs or Excise, or any Person or Persons acting in his or their Aid or Assistance, or duly employed for the Prevention of Smuggling, for any Offence under this or any other Act relating to the Customs, and shall have been taken and carried before any Justice of the Peace, if it shall appear to such Justice that there is reasonable Cause to detain such Person or Persons, such Justice may and he is hereby authorized and required to order such Person or Persons to be detained a reasonable Time, and at the Expiration of such Time to be brought before any Two Justices of the Peace, who are hereby authorized and required finally to hear and determine the Matter.

Any Person liable to be arrested, making his Escape, may afterwards be detained by any Officer of the Customs.

LII. And be it further enacted, That if any Person or Persons liable to be detained under the Provisions of this or any other Act relating to the Customs shall not be detained at the Time of so committing the Offence for which he or they is or are so liable, or after Detention shall make his or their Escape, it shall and may be lawful for any Officer or Officers of the Army, Navy, or Marines, being duly employed for the Prevention of Smuggling, and on Full Pay, or for any Officer of Customs or Excise, or any other Person acting in his or their Aid or Assistance, or duly employed for the Prevention of Smuggling, to detain such Person so liable to Detention as aforesaid at any Time afterwards, and to carry him before any Justice of the Peace, to be dealt with as if detained at the Time of committing the said Offence.

Persons making Signals to Smuggling Vessels.

LIII. And be it further enacted, That no Person shall, after Sunset and before Sunrise between the Twenty-first Day of Sep-

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tember and the First Day of April, or after the Hour of Eight in the Evening and before the Hour of Six in the Morning at any other Time in the Year, make, aid or assist in making, any Signal in or on board or from any Vessel or Boat, or on or from any Part of the Coast or Shore of the United Kingdom, or within Six Miles of any Part of such Coasts or Shores, for the Purpose of giving any Notice to any Person on board any Smuggling Vessel or Boat, whether any Person so on board of such Vessel or Boat be or be not within Distance to notice any such Signal; and if any Person, contrary to the true Intent and Meaning of this Act, make or cause to be made, or aid or assist in making, any such Signal, such Person so offending shall be guilty of a Misdemeanor; and it shall be lawful for any Person to stop, arrest, and detain the Person or Persons who shall so offend, and to carry and convey such Person or Persons so offending before any One or more of His Majesty's Justices of the Peace residing near the Place where such Offence shall be committed, who, if he sees Cause, shall commit the Offender to the next County Gaol, there to remain until the next Court of Oyer or Terminer, Great Session, or Gaol Delivery, or until such Person or Persons shall be delivered by due Course of Law; and it shall not be necessary to prove on any Indictment or Information that any Vessel or Boat was actually on the Coast; and the Offender or Offenders being duly convicted thereof shall, by Order of the Court before whom such Offender or Offenders shall be convicted, either forfeit and pay the Penalty or Forfeiture of One hundred Pounds, or, at the Discretion of such Court, be sentenced or committed to the Common Gaol or House of Correction, there to be kept to hard Labour for any Term not exceeding One Year.

Penalties.

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sels at Sea may be detained, and on Conviction to forfeit 100*l.*, or be kept to hard Labour for One Year.

LIV. Provided always, and be it further enacted, That in case any Person be charged with or indicted for having made or caused to be made, or been aiding or assisting in making, any such Signal as aforesaid, the Burthen of Proof that such Signal so charged as having been made with Intent and for the Purpose of giving such Notice as aforesaid was not made with such Intent and for such Purpose shall be upon the Defendant against whom such Charge is made or such Indictment is found.

Proof of a Signal not being intended to lie on the Defendant.

LV. And be it further enacted, That it shall be lawful for any Person whatsoever to prevent any Signal being made as aforesaid, and to enter and go into and upon any Lands for that Purpose, without being liable or subject to any Indictment, Suit, or Action for the same.

Any Person may prevent Signals, and enter upon Lands for that Purpose.

LVI. And be it further enacted, That if any Person whatsoever shall obstruct any Officer or Officers of the Army, Navy, or Marines, being duly employed for the Prevention of Smuggling, and on Full Pay, or any Officer or Officers of Customs or Excise, or any Person acting in his or their Aid or Assistance, or duly employed for the Prevention of Smuggling, in the Execution of his or their Duty, or in the due seizing of any Goods liable to Forfeiture by this or any other Act relating to the Customs, or shall rescue or cause to be rescued any Goods which have been seized, or shall attempt or endeavour to do so, or shall, before or at or after any Seizure, stave, break, or otherwise destroy any Goods, to prevent the Seizure thereof or the securing the same, then and in such

Persons resisting Officers, or rescuing or destroying Goods to prevent Seizure, to forfeit 100*l.*

Penalties.

Penalty on Persons procuring others to assemble for assisting in unshipping prohibited Goods.

such Case the Party or Parties offending shall forfeit for every such Offence the Sum of One hundred Pounds.

LVII. And be it further enacted, That any Person or Persons who shall by any Means procure or hire any Person or Persons, or who shall depute, authorize, or direct any Person or Persons to procure or hire any Person or Persons, to assemble for the Purpose of being concerned in the landing or unshipping or carrying or conveying any Goods which are prohibited to be imported, or the Duties for which have not been paid or secured, shall for every Person to procured or hired forfeit the Sum of One hundred Pounds.

Felonies.

Three or more armed Persons assembled to assist in the illegal landing of any Goods, or in the rescuing of Goods seized, to be deemed guilty of Felony.

LVIII. And be it further enacted, That if any Persons to the Number of Three or more, armed with Fire-arms or other offensive Weapons, shall, within the United Kingdom, or within the Limits of any Port, Harbour, or Creek thereof, be assembled in order to be aiding and assisting in the illegal landing, running, or carrying away of any prohibited Goods, or any Goods liable to any Duties which have not been paid or secured, or in rescuing or taking away any such Goods as aforesaid, after Seizure, from the Officer of the Customs or other Officer authorized to seize the same, or from any Person or Persons employed by them or assisting them, or from the Place where the same shall have been lodged by them, or in rescuing any Person who shall have been apprehended for any of the Offences made Felony by this or any Act relating to the Customs, or in the preventing the Apprehension of any Person who shall have been guilty of such Offence, or in case any Persons to the Number of Three or more, so armed as aforesaid, shall, within the United Kingdom, or within the Limits of any Port, Harbour, or Creek thereof, be so aiding or assisting, every Person so offending, and every Person aiding, abetting, or assisting therein, shall, being thereof convicted, be adjudged guilty of Felony, and suffer Death as a Felon.

Persons shooting at any Boat belonging to the Navy, or in the Service of the Revenue, &c. deemed guilty of Felony.

LIX. And be it further enacted, That if any Person shall maliciously shoot at any Vessel or Boat belonging to His Majesty's Navy, or in the Service of the Revenue, within One hundred Leagues of any Part of the Coast of the United Kingdom, or shall maliciously shoot at, maim, or dangerously wound any Officer of the Army, Navy, or Marines, being duly employed for the Prevention of Smuggling, and on Full Pay, or any Officer of Customs or Excise, or any Person acting in his Aid or Assistance, or duly employed for the Prevention of Smuggling, in the due Execution of his Office or Duty, every Person so offending, and every Person aiding, abetting, or assisting therein, shall, being lawfully convicted, be adjudged guilty of Felony, and suffer Death as a Felon.

Any Person in company with Four others having prohibited Goods, or with One other armed or disguised, guilty of Felony.

LX. And be it further enacted, That if any Person being in company with more than Four other Persons be found with any Goods liable to Forfeiture under this or any other Act relating to the Revenue of Customs or Excise, or in company with One other Person, within Five Miles of the Sea Coast or of any navigable River leading therefrom, with such Goods, and carrying offensive Arms or Weapons, or disguised in any Way, every such Person shall be adjudged guilty of Felony, and shall, on Conviction of such Offence, be transported as a Felon for the Space of Seven Years.

LXI. And

LXI. And be it further enacted, That if any Person shall by Force or Violence assault, resist, oppose, molest, hinder, or obstruct any Officer of the Army, Navy, or Marines, being duly employed for the Prevention of Smuggling, and on Full Pay, or any Officer of Customs or Excise, or other Person acting in his or their Aid or Assistance, or duly employed for the Prevention of Smuggling, in the due Execution of his or their Office or Duty, such Person, being thereof convicted, shall be transported for Seven Years, or sentenced to be imprisoned in any House of Correction or Common Gaol, and kept to hard Labour, for any Term not exceeding Three Years, at the Discretion of the Court before whom the Offender shall be tried and convicted as aforesaid.

Officers.

Persons assaulting Officers by Force or Violence may be transported.

LXII. And be it further enacted, That it shall and may be lawful to and for the Commanding Officer for the Time being of any Vessel or Boat employed for the Prevention of Smuggling to haul any such Vessel or Boat upon any Part of the Coasts of the United Kingdom, or the Shores, Banks, or Beaches of any River, Creek, or Inlet of the same, (not being a Garden or Pleasure Ground, or Place ordinarily used for any Bathing Machine or Machines,) which shall be deemed most convenient for that Purpose, and to moor any such Vessel or Boat on such Part of the aforesaid Coasts, Shores, Banks, and Beaches below High-water Mark, and over which the Tide flows on ordinary Occasions, and to continue such Vessel or Boat so moored as aforesaid for such Time as the said Commanding Officer shall deem necessary and proper; and such Commanding Officer, or Person or Persons acting under his Direction, shall not be liable to any Indictment, Action, or Suit for so doing, any Law, Statute, Custom, or Usage to the contrary notwithstanding.

Commanding Officers of Vessels in the Service may haul their Vessels on Shore without being liable to any Action for so doing.

LXIII. And be it further enacted, That in all Cases where any Officer or Seaman employed in the Service of the Customs or Excise shall be killed, maimed, wounded, or in any way injured in the due Execution of his Office, or if any Person acting in his Aid, or duly employed for the Prevention of Smuggling, shall be so killed, maimed, wounded, or in any way injured while so aiding such Officer or Seaman, or so employed, it shall and may be lawful for the Commissioners of His Majesty's Customs and Excise respectively to make such Provision for the Officer or Person so maimed, wounded, or injured as aforesaid, or for the Widows and Families of such as shall be killed, as they shall be authorized and empowered to do by Warrant from the Lord High Treasurer or Commissioners of His Majesty's Treasury for the Time being.

Officer, if wounded in the Service of the Customs, to be provided for, &c.

LXIV. And be it further enacted, That all Vessels and Boats and all Goods whatsoever which shall have been seized and condemned for Breach of any Law relating to the Customs shall be disposed of as soon as conveniently may be after the Condemnation thereof, in such Manner as the Commissioners of His Majesty's Customs shall direct.

Vessels and Goods seized may be disposed of as the Commissioners shall direct.

LXV. And be it further enacted, That it shall and may be lawful for the Commissioners of His Majesty's Customs, and they are hereby authorized and empowered, to award to any Officer or other Person detaining any Person liable to Detention under this or any other Act relating to the Revenue of Customs, to be paid upon the Conviction

Rewards.

Rewards to Officers for detaining Smugglers.

Rewards.

Rewards to
Officers where
pecuniary Pen-
alties are re-
covered.

Conviction of such Person, any Reward they may think fit to direct, not exceeding the Sum of Twenty Pounds for each Person.

LXVI. And be it further enacted, That it shall and may be lawful for the Commissioners of His Majesty's Customs, and they are hereby authorized, to order the following Reward to be paid to any Officer or Officers or Persons as aforesaid by whose Means any pecuniary Penalty or Composition is recovered; (that is to say,) One Third Part of the Penalty or Sum recovered, except in Seizures of Silk Goods, in which Case the Officers may receive One Half the Penalty or Sum recovered.

Rewards to
Officers making
Seizures.

LXVII. And be it further enacted, That it shall and may be lawful for the Commissioners of His Majesty's Customs, and they are hereby authorized, to order to be paid, in respect of any Seizure made under this or any Act relating to the Customs or to Trade and Navigation, to the Person or Persons making the same, the following Rewards; (that is to say,)

In the Case of Seizures of Spirits or Tobacco:—

If all the Parties concerned in the Act which occasions the Seizure, being above the Age of Sixteen Years, are detained and convicted, the whole Value thereof, such Value to be fixed and settled by the Lords of the Treasury, or by the Commissioners of His Majesty's Customs, as herein-after directed:

If Two or more of such Parties, not being the whole, are so detained and convicted, Seven Eighths of such Value:

If One such Party, not being the whole of them, but being a Seafaring Man, is so detained and convicted, Three Fourths of such Value:

If One such Party, not being the whole of them, is detained and convicted, and the Vessel or Means of Conveyance is or are seized and condemned, Three Fourths of such Value:

If One such Party, not being the whole of them, nor being a Seafaring Man, is so detained and convicted, Five Eighths of such Value:

If the Vessel or Means of Conveyance is seized and condemned without any Person being detained, One Third of such Value:

If all the Goods are seized, and all the Parties concerned as aforesaid are subsequently convicted in consequence of such Seizure and by the Exertion of the Seizors, One Half of such Value:

If the Goods only are seized, One Eighth, or such other Part as the Commissioners of the Customs shall think proper, not exceeding One Fourth of such Value:

In the Case of Seizures of other Goods, not Silks:—

If the Vessel or other Means of Conveyance is or are seized and condemned, or if any Person is prosecuted to Conviction on account of the same, One Half of the Produce, exclusive of the Duties:

If the Goods only, One Fourth of such Produce:

In the Case of damaged Tobacco, Snuff, or other Goods destroyed, such Reward as the Lords of the Treasury or the Commissioners

Commissioners of His Majesty's Customs may think proper to direct, not exceeding a Moiety of the Duty payable on such Goods in case the same had been sold for Home Consumption :
In the Case of Seizures of Silk Goods, the whole Value of such Goods, exclusive of the Duty thereon :

In the Case of Seizures of Vessels and Boats :—

If sold, a Moiety of the Produce :

If taken into the Public Service or broken up, a Moiety of the Value :

In the Case of Seizures of Cattle and Carriages :—

In all Cases, Three Fourths of the Produce of the Sale.

LXVIII. Provided always, and be it further enacted, That the Value of Spirits and Tobacco seized as aforesaid shall in all Cases be deemed and taken to be such as the Lords of the Treasury or the Commissioners of His Majesty's Customs may think fit to fix the same at *per* Gallon or *per* Pound Weight; for the Purpose of rewarding the said Officer as aforesaid; and that all the before-mentioned Rewards shall be paid subject to a Deduction of Ten Pounds *per Centum* on account of Law Charges and other Expences.

Rewards.

The Treasury or Commissioners to fix the Value of Spirits and Tobacco ;

Rewards subject to Deduction.

All Rewards and Seizures payable to Officers of Army, &c. to be regulated by Orders in Council.

LXIX. And be it further enacted, That every such Reward, or Part or Share of any such Seizure or of the Value thereof, as shall be payable to any Officer or Officers, Non-commissioned Officers, Petty Officers, Seamen, or Privates of His Majesty's Army, Navy, or Marines, or acting under the Orders of the Lord High Admiral or Commissioners of the Admiralty, shall be divided and distributed in such Proportions, and according to such Rules, Regulations, and Orders, as His Majesty shall, by His Order or Orders in Council, or by His Royal Proclamation in that Behalf, be pleased to direct and appoint.

Commissioners may distribute Officers Shares of Seizures in certain Cases, so as to reward Persons not actually present.

LXX. And be it further enacted, That it shall be lawful for the Commissioners of His Majesty's Customs or Excise respectively, and they are hereby authorized, in case of any Seizure of Vessels, Boats, or Goods, or of the Apprehension of any Parties, under this or any other Act relating to the Customs, to direct the Distribution of the Seizor's Share of such Vessels, Boats, or Goods, or of any Penalties or Rewards that may be recovered on account of any Seizure, in such Manner as to enable any Officer or Officers or other Person or Persons through whose Information or Means such Seizure shall have been made, or Penalty recovered, or Party apprehended, and who may by them be deemed to be so entitled, to participate in such Proportions as the said Commissioners shall respectively deem expedient.

In case Officers act negligently or collusively.

LXXI. And be it further enacted, That upon Proof being made to the Satisfaction of the Commissioners of His Majesty's Customs or Excise that any Officer or Officers or Person or Persons as aforesaid shall have acted collusively or negligently in the making of any Seizure, it shall be lawful for the said Commissioners to direct that the Whole or any Part of the Proportion of such Seizure be applied to the Use of His Majesty.

No Subject of His Majesty, except Officers, to take up Spirits in small Casks sunk or floating upon the Sea.

LXXII. And be it further enacted, That no Person or Persons whatsoever, being a Subject or Subjects of His Majesty, other than an Officer or Officers of the Navy, Customs, or Excise, or some Person or Persons authorized in that Behalf, shall intermeddle with or take up any Spirits, being in Casks of less Content than

Forty

Rewards.

Rewards to
Persons giving
Information of
Goods floating
or sunk in the
Sea.

Forty Gallons, which may be found floating upon or sunk in the Sea within One hundred Leagues of the United Kingdom; and that if any Spirits shall be so intermeddled with or taken up, the same shall be forfeited, together with any Vessel or Boat in which they are found.

LXXIII. Provided always, and be it further enacted, That if any Person or Persons shall discover any Spirits, being in Casks of less Content than Forty Gallons, which may be found floating upon or sunk in the Sea, and shall give Information to any Officer of the Customs, or other Person or Persons duly authorized to make Seizure of such Spirits, so that Seizure shall be made of the same, the Person or Persons giving such Information shall be entitled to and shall receive such Reward as the Commissioners of His Majesty's Customs may deem it expedient to direct.

Allowance to
poor Persons
confined for
Offences against
Laws of Customs
and Excise.

LXXIV. And be it further enacted, That for the necessary Subsistence of any poor Person confined in the United Kingdom or in the *Isle of Man*, under or by virtue of any Exchequer or other Process for the Recovery of any Duties or Penalties, either upon Bond or otherwise, under this or any other Act relating to the Customs or Excise, sued for under or by virtue of any Order of the Commissioners of His Majesty's Customs or Excise, it shall and may be lawful to and for the said Commissioners respectively to cause an Allowance, not exceeding the Sum of Seven-pence Halfpenny and not less than Four-pence Halfpenny *per Day*, to be made to any such poor Person, out of any Money in their Hands arising from the Duties of Customs or Excise, as the Case may require.

Jurisdiction.

Penalties and
Forfeitures how
to be sued for.

LXXV. And be it further enacted, That all Penalties and Forfeitures incurred or imposed by this or any other Act relating to the Customs, or to Trade or Navigation, shall and may be sued for, prosecuted, and recovered by Action of Debt, Bill, Complaint, or Information in any of His Majesty's Courts of Record at *Westminster*, or at *Dublin*, or at *Edinburgh*, or in the Royal Courts of the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, in the Name of His Majesty's Attorney General, or of the Lord Advocate of *Scotland*, or in the Name or Names of some Officer or Officers of His Majesty's Customs, or by Information before any Two or more of His Majesty's Justices of the Peace in the United Kingdom, or before any Governor, Deputy Governor, or Deemster in the *Isle of Man*.

All Vessels,
Boats, and
Goods seized
under any Laws
of Customs,
and ordered to
be prosecuted,
shall be deemed
to be con-
demned, unless
the Owner gives
Notice that he
intends to claim.

LXXVI. And be it further enacted, That all Vessels, Boats, and Goods which shall have been or shall be hereafter seized as forfeited under any Law relating to the Customs, and which shall have been or shall hereafter be ordered to be prosecuted by the Commissioners of His Majesty's Customs, shall be deemed and be taken to be condemned, and may be sold in the Manner directed by Law in respect to Vessels, Boats, and Goods seized and condemned for Breach of any Law relating to the Customs, unless the Person from whom such Vessels, Boats, and Goods shall have been seized, or the Owner of them, or some Person authorized by him, shall, within One Calendar Month from the Day of seizing the same, give Notice in Writing, if in *London* to the Person seizing the same or to the Secretary or Solicitor for the Customs, and if elsewhere to the Person seizing the same or to the Collector and

Comptroller or other Chief Officer of the Customs at the nearest Port, that he claims the Vessel, Boat, or Goods, or intends to claim them.

Jurisdiction.
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LXXVII. And be it further enacted, That in case any Offence shall be committed upon the High Seas against this or any other Act relating to the Customs, or any Penalty or Forfeiture shall be incurred upon the High Seas for any Breach of such Act, such Offence shall, for the Purpose of Prosecution, be deemed and taken to have been committed, and such Penalties and Forfeitures to have been incurred, at the Place on Land in the United Kingdom or the *Isle of Man* into which the Person committing such Offence or incurring such Penalty or Forfeiture shall be taken, brought, or carried, or in which such Person shall be found; and in case such Place on Land is situated within any City, Borough, Liberty, Division, Franchise, or Town Corporate, as well any Justice of the Peace for such City, Borough, Liberty, Division, Franchise, or Town Corporate, as any Justice of the Peace of the County within which such City, Borough, Liberty, Division, Franchise, or Town Corporate is situated, shall have Jurisdiction to hear and determine all Cases of Offences against such Act so committed upon the High Seas, any Charter or Act of Parliament to the contrary notwithstanding: Provided always, that where any Offence shall be committed in any Place upon the Water not being within any County of the United Kingdom, or where any Doubt exists as to the same being within any County, such Offence shall, for the Purposes of this Act, be deemed and taken to be an Offence committed upon the High Seas.

Offences on the High Seas deemed to have been committed at the Place into which the Offender is brought, or in which he is found.

LXXVIII. And be it further enacted, That upon the exhibiting any Information before any Justice of the Peace for any Offence against this or any Act relating to the Customs or to Trade or Navigation, for which Offence the Party charged is not liable to be detained in manner herein-before mentioned, such Justice is hereby required to issue a Summons for the Appearance of the Party against whom such Information is exhibited before Two Justices of the Peace; and such Summons, directed to such Party, being left either at his or her last known Place of Residence or on board any Ship or Vessel to which such Party may belong, shall be deemed to have been sufficiently served.

Justices may summon Offender, and the Summons may be left at his last Place of Residence, or on board any Ship to which he belongs.

LXXIX. And be it further enacted, That upon the Appearance or Default of any Party so summoned, it shall be lawful for any Two Justices of the Peace to proceed to the Examination of the Matter contained in such Information, and upon due Proof thereof, either upon the Confession of such Party or upon the Oath of One or more credible Witness or Witnesses, to convict such Party in the Penalty or Penalties sued for by such Information; and in case of Nonpayment thereof, such Justices, or One of them, or some other Justices or Justice of the Peace, are hereby authorized and required, by Warrant under Hand and Seal, to commit such Party to any of His Majesty's Gaols within their or his Jurisdiction, there to remain until the Penalty or Penalties shall be paid.

Two Justices may, upon Appearance or Default of the Party, proceed to the hearing.

LXXX. And be it further enacted, That such Warrants shall and may be executed in any Part of the United Kingdom.

Warrants.

LXXXI. And be it further enacted, That where any Party shall or may be convicted before any Two or more of His Majesty's

Justices may mitigate Penalty in certain Cases.

Jurisdiction.

Justices of the Peace as aforesaid in any Penalty or Penalties incurred as aforesaid, except as is herein-after provided, it shall and may be lawful for the said Justices, in Cases where upon Consideration of the Circumstances they shall deem it expedient so to do, to mitigate the Payment of the said Penalty or Penalties, so as the Sum to be paid by such Party be not less than One Fourth of the Amount of the Penalty in which such Party shall have been convicted.

As to Persons
committed for
Penalties under
100*l*.

LXXXII. And be it further enacted, That where any Person shall have been so committed by any Justices or Justice of the Peace to any Prison for Nonpayment of any Penalty less than One hundred Pounds, the Gaoler or Keeper of such Prison is hereby authorized and required to discharge such Person at the End of Six Calendar Months from the Commencement of such Imprisonment.

Married
Women may be
committed to
Prison.

LXXXIII. And be it further enacted and declared, That where any Party so convicted before Two Justices of the Peace shall be a married Woman, such Party shall be liable to be committed to Prison in manner herein-before mentioned, notwithstanding her Coverture.

Mode of Pro-
ceeding before
Justices for the
Condemnation
of seized Goods.

LXXXIV. And be it further enacted, That when any Information shall have been exhibited before any Justice of the Peace for the Forfeiture of any Goods whatsoever seized under this or any Act relating to the Customs, it shall be lawful for the said Justice, and he is hereby authorized and required, to summon the Party to whom such Goods belonged, or from whom they were seized, to appear before any Two Justices of the Peace; and such Summons, directed to such Party, being left either at his or her last known Place of Residence or on board any Ship to which such Party may belong, shall be deemed to have been sufficiently served; and upon his, her, or their Appearance or Default, any Two Justices may proceed to the Examination of the Matter, and, upon due Proof that the said Goods are liable to Forfeiture under this or any Act relating to the Customs, may condemn the said Goods.

Persons de-
tained for the
Offences herein
mentioned, on
Conviction to
forfeit 100*l*., or
if Seafaring
Men to be sent
into the Navy
for Five Years.

LXXXV. And be it further enacted, That it shall and may be lawful for any Two or more Justices of the Peace before whom any Person liable to be detained, and who shall have been detained, for any Offence against this or any other Act relating to the Customs, shall be brought, either on the Confession of such Person of such Offence, or on Proof thereof upon the Oaths of One or more credible Witness or Witnesses, to convict such Person of any such Offence; and every such Person so convicted as aforesaid shall, immediately upon such Conviction, pay into the Hands of such Justices, for the Use of His Majesty, the Penalty of One hundred Pounds, without any Mitigation whatever, for any such Offence of which he shall be so convicted as aforesaid; or in default thereof the said Justices shall and they are hereby respectively authorized and required, by Warrant under their Hands and Seals, to commit such Person so convicted as aforesaid, and making such Default as aforesaid, to any Gaol or Prison, there to remain until such Penalty shall be paid; provided that if the Person convicted of any such Offence or Offences shall be a Seafaring Man, and fit and able to serve His Majesty in His Naval Service, and shall not prove that he is not a Subject of His Majesty, it shall and may be lawful for any such Justices, and they are hereby required, in lieu of such

Penalty, by Warrant under their Hands and Seals, to order any Officer of the Army, Navy, or Marines, duly employed for the Prevention of Smuggling, and on Full Pay, or any Officer of Customs or Excise, to carry or convey, or cause to be carried or conveyed, such Person on board of any of His Majesty's Ships, in order to his serving His Majesty in His Naval Service for the Term of Five Years; and if such Person shall at any Time within that Period by any Means escape or desert from such Custody or Service respectively, he shall be liable at any Time or Times afterwards to be again arrested and detained by any Officer of the Customs, or any other Person, and delivered over as aforesaid to complete his Service of Five Years: Provided also, that if it shall be made to appear to any such Justices that convenient Arrangement cannot be made at the Time of the Conviction of the said Party for immediately carrying or conveying such Seafaring Man so convicted as aforesaid on board any of His Majesty's Ships, in order to serve His Majesty, it shall and may be lawful for any such Justices to commit any such Seafaring Man so convicted as aforesaid to any Prison or Gaol, there to remain in safe Custody for any Period not exceeding One Month, in order that Time may be given to make Arrangements for so conveying such Seafaring Man on board any of His Majesty's Ships as aforesaid: Provided also, that the Commissioners of His Majesty's Treasury, or any Three or more of them, shall have full Power and Authority to remit or mitigate any such Penalty, Punishment, or Service as aforesaid, whether the Parties shall be Seafaring Men or otherwise.

LXXXVI. And be it further enacted, That if any Person shall be proceeded against under this or any other Act relating to the Customs or Excise, and the Information exhibited against such Person shall charge him as being a Seafaring Man, and fit and able to serve His Majesty in His Naval Service, and it shall appear to the Justices before whom such Person is brought that he is guilty of the Offence with which he is charged, but that he is not fit for His Majesty's Naval Service, that then and in such Case it shall be lawful for such Justices, and they are hereby required, to amend such Information accordingly, and to convict such Person in the Penalty of One hundred Pounds, as if proceeded against as not being a Seafaring Man or fit for His Majesty's Naval Service.

LXXXVII. And be it further enacted, That if any Person so convicted as a Seafaring Man, and carried on board any of His Majesty's Ships of War, shall on Examination by any Surgeon or Surgeons of His Majesty's Navy, within One Month after being so carried on board, be deemed to be unfit, and shall be refused on that Account to be received into His Majesty's Service, such Person shall, as soon as convenient, be conveyed before any Justice of the Peace, and upon Proof that he has been refused to be received on board any of His Majesty's Ships as unfit for His Majesty's Service, such Justice shall and he is hereby authorized and required to call upon the said Person to pay the Penalty of One hundred Pounds, without hearing any Evidence other than such Proof as last aforesaid; and in default of immediate Payment of the same into the Hands of the said Justice, for the Use of His Majesty, to commit the said Person to any Gaol or Prison, there to remain until such Penalty shall be paid: Provided always,

Jurisdiction.

Offenders escaping may be again arrested, and delivered over to complete their Service of Five Years.

If Offender cannot be immediately conveyed on board Ship, he may be committed for One Month.

Treasury may remit or mitigate Penalty, Punishment, or Service.

Justices may amend Informations where Offenders are charged as Seafaring Men, but are not fit for His Majesty's Service.

If on Examination of Persons convicted, and sent on board His Majesty's Ships, they shall be found unfit, such Persons to be again conveyed before Magistrates, and convicted in the Penalty of 100*l.*, and in default of Payment sent to Gaol.

Jurisdiction.

As to Jurisdiction in Boroughs.

A Magistrate of an adjoining County, with One of the County where Offence committed, may hear Informations.

Writs of Certiorari and Writs of Habeas Corpus not to be issued except on an Affidavit, and Justices may amend Informations, Warrants of Commitment, and Convictions.

Informations and Convictions to be in the Form or to the Effect in the Schedule.

Informations, &c. valid if the Offence is set forth in the Words of the Act.

Powers of Justices to be exercised by Gover-

that no Person so convicted as aforesaid, and ordered to serve on board any of His Majesty's Ships, shall be sent away from the United Kingdom on board of any such Ship in a less Time than One Month from the Date of such Conviction.

LXXXVIII. And be it further enacted, That where any Offence against this or any other Act relating to the Customs shall be committed in any City, Borough, Liberty, Division, Franchise, or Town Corporate, as well any Justices of the said City, Borough, Liberty, Division, Franchise, or Town Corporate, as any Justices of any County in which such City, Borough, Liberty, Division, Franchise, or Town Corporate is situated, shall have Jurisdiction to hear and determine upon the same.

LXXXIX. And be it further enacted, That where the Attendance of Two Magistrates having Jurisdiction in the County where the Offence is committed cannot be conveniently obtained, it shall be lawful for a Magistrate of any adjoining County, with One Magistrate of the County in which the Offence was committed, to hear and determine any Information exhibited before them, and to have the same Powers and Authorities in all respects, as to any Proceeding had under this or any other Act relating to the Customs as if they were both Magistrates for the County in which the Offence was committed.

XC. And be it further enacted, That no Writ of Certiorari shall issue from His Majesty's Court of King's Bench to remove any Proceedings before any Justice or Justices of the Peace under any Act for the Prevention of Smuggling or relating to the Customs, nor shall any Writ of Habeas Corpus issue to bring up the Body of any Person who shall have been convicted before any Justice or Justices of the Peace under any such Act, unless the Party against whom such Proceeding shall have been directed, or who shall have been so convicted, or his Attorney or Agent, shall state in an Affidavit in Writing, to be duly sworn, the Grounds of Objection to such Proceedings or Conviction, and that upon the Return to such Writ of Certiorari or Habeas Corpus no Objection shall be taken or considered other than such as shall have been stated in such Affidavit; and that it shall be lawful for any Justice or Justices of the Peace, and they are hereby required, to amend any Information, Conviction, or Warrant of Commitment for any Offence under any such Act at any Time, whether before or after Conviction.

XCI. And be it further enacted, That all Informations before Justices of the Peace for any Offences committed against this or any other Act relating to the Customs, and all Convictions for such Offences, and Warrants of Justices of the Peace founded upon such Convictions, shall be drawn respectively in the Form or to the Effect in the Schedule to this Act annexed.

XCII. Provided always, and be it declared and enacted, That every Information for any Penalty or Forfeiture, and every Conviction or Warrant of Commitment for any Penalty, shall be deemed valid and sufficient in which the Offence for which such Penalty shall have been inflicted, or the Cause of such Forfeiture, is set forth in the Words of this Act.

XCIII. And be it further enacted, That all the Powers vested in any Justices or Justice of the Peace by virtue of this Act shall be
and

and the same are hereby vested in and may be exercised, in the *Isle of Man*, by any Governor, Deputy Governor, or Deemster of the *Isle of Man*, so far as regards Offences committed against or Penalties or Forfeitures incurred by this or any other Act relating to the Customs.

Jurisdiction.

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nors or Deem-
sters of the Isle
of Man.

XCIV. And be it further enacted, That all Penalties and Forfeitures which may be recovered before any Justices of the Peace under this or any other Act relating to the Customs or Excise, on any Prosecution by Order of the Commissioners of Customs, shall be paid to the Commissioners of His Majesty's Customs, and on any Prosecution by Order of the Commissioners of Excise shall be paid to the Commissioners of His Majesty's Excise, or to the Person appointed by them respectively to receive the same; and such Penalties and Forfeitures shall be applied by the said Commissioners respectively in such Manner as the Law directs, any thing contained in an Act passed in the Third Year of the Reign of King George the Fourth, intituled *An Act for the more effectual Administration of the Office of a Justice of the Peace in and near the Metropolis, and for the more effectual Prevention of Depredations on the River Thames and its Vicinity, for Seven Years*, or any other Act now in force or hereafter to be made, to the contrary in anywise notwithstanding.

Penalties and
Forfeitures to
be paid to Com-
missioners of
Customs or
Excise, and
applied as the
Law directs.

3 G. 4. c. 55.

XCv. And be it further enacted, That whenever any Penalty shall be sued for as aforesaid by Information against any Person in any of His Majesty's Courts of Record at *Westminster*, or at *Dublin*, or at *Edinburgh*, a Capias may thereupon issue as the first Process, specifying the Amount of the Penalty sued for; and such Person against whom such Capias shall issue shall be obliged to give sufficient Bail or Security, by natural-born Subjects or Denizens, to the Person or Persons to whom such Capias shall be directed, to appear in the Court out of which such Capias shall issue at the Day of the Return of such Writ, to answer such Suit and Prosecution, and shall likewise at the Time of such appearing give sufficient Bail or Security, by such Persons as aforesaid, in the said Court, to answer and pay all the Forfeitures and Penalties incurred for such Offence or Offences in case he, she, or they shall be convicted thereof, or to yield his, her, or their Body or Bodies to Prison.

Capias may
issue against
Persons sued
under this Act,
who are to give
Bail.

XCvi. And be it further enacted, That if any Person against whom a Capias shall issue out of any of His Majesty's Courts of Record as aforesaid shall be arrested upon such Capias, and taken to Prison for Want of sufficient Bail, a Copy of the Information exhibited against such Person shall be served upon him or her in Gaol, or delivered to the Gaoler, Keeper, or Turnkey of the Prison in which such Person shall be confined; and if such Person shall neglect or refuse to appear or plead to the said Information for the Space of Twenty Days, Judgment shall be entered by Default; and in case Judgment shall be obtained against any such Person or Persons by Default, Verdict, or otherwise, and such Person or Persons shall not pay the Sum recovered against him, her, or them for his, her, or their Offence, Execution shall be thereupon awarded and issued, not only against the Body or Bodies of the Person or Persons so in Prison as aforesaid, but against all the Real and Personal Estates of such Person or Persons, for such Sum or Sums of Money so as aforesaid recovered against him, her, or them.

Persons in Gaol
not appearing
or pleading to
the Informa-
tion, Judgment
may be entered
by Default.

Jurisdiction.

Persons not
worth 5*l.* may
defend Suits in
formâ pauperis.

XCVII. And be it further enacted, That in case any Person arrested and imprisoned by virtue of any Writ of Capias as aforesaid shall make Affidavit before the Judge or Judges of the Court where the Information shall be brought, or before any other Person commissioned to take Affidavits in such Court, that he or she is not worth, over and above his or her Wearing Apparel, the Sum of Five Pounds, (which said Affidavit the said Judge or Judges of such Court, and such Person so commissioned, is and are hereby authorized and required so to take,) and such Person shall thereupon petition such Court to defend himself or herself against such Information *in formâ pauperis*, that then the Judge or Judges of such Court shall, according to their Discretion, admit such Person to defend himself or herself against such Information in the same Manner and with the same Privileges as the Judges of such Court are by Law directed and authorized to admit poor Subjects to commence Actions for the Recovery of their Rights; and for that End and Purpose it shall be lawful for the Judges of such Courts to assign Counsel learned in the Law, and to appoint an Attorney and Clerk of such Court, to advise and carry on any legal Defence that such Person can make against such Action or Information, and which said Counsel, Attorney, and Clerk, so assigned and appointed, is and are hereby required to give his and their Advice and Assistance to such Person, and to do their Duties, without Fee or Reward.

Sheriff to grant
special Warrant
on Writ of
Capias being
indorsed by the
Solicitors of the
Customs.

XCVIII. And be it further enacted, That where any Writ of Capias or other Process shall issue out of any Court, directed to any Sheriff, Mayor, Bailiff, or other Person having the Execution of Process in any County, City, or Liberty, against any Person who shall be guilty of any Offence whatsoever against this or any Act relating to the Customs, every such Sheriff, Mayor, or Bailiff, and other Person having Execution of Process as aforesaid, and their and every of their Under Sheriffs, Deputies, and other Persons acting for them in the said Office and Offices respectively, shall and are hereby enjoined and required, upon the Request or Application of the Solicitor for the Customs, (such Request to be in Writing, and indorsed upon the Back of the said Process, and signed by such Solicitor with his Name, and Addition of Solicitor for the Customs,) to grant a special Warrant or Warrants, to such Person or Persons as shall be named to them by such Solicitor, for the apprehending such Offender or Offenders; or in default thereof every such Sheriff, Mayor, Bailiff, Under Sheriff, and other Person acting in the said Office or Offices respectively shall be subject and liable to such Process of Contempt, Fines, Amerciaments, Penalties, and Forfeitures as they or any of them are now by any Law, Custom, or Usage liable to in case of refusing or neglecting to execute the like Process where the Defendant might have been taken thereupon in the common and usual Method of proceeding.

Sheriff indem-
nified from
Escapes in Cases
where Warrants
are granted at
the Request of
a Solicitor for
the Customs,
and Gaolers

XCIX. And be it further enacted, That all and every such Sheriff, Mayor, Bailiff, Under Sheriff, and other Persons so granting or making out such special Warrant as aforesaid, shall be and they are hereby saved harmless and indemnified against His Majesty, His Heirs and Successors, and against all and every other Person or Persons whomsoever, of and from all Escapes of any Person or Persons who shall or may be taken by virtue of any such Warrant

as aforesaid, which shall or may happen from the Time of taking such Offender or Offenders till he, she, or they shall be committed to the proper Gaol or Prison, or offered and tendered to the Gaol-keeper or other Person having Charge of such Gaol or Prison, (who is hereby enjoined and required to receive every such Person or Persons so apprehended as aforesaid, and give a Receipt for his, her, or their Body or Bodies,) and of and from all Actions, Prosecutions, Process of Contempt, and other Proceedings for or by reason of such Escape, any Law, Custom, or Usage to the contrary notwithstanding.

C. And be it further enacted, That no Claim shall be permitted to be entered to, and no Appearance shall be permitted to be entered to, any Information filed for the Forfeiture of any Vessel, Boat, or Goods seized for any Cause of Forfeiture, and returned into any of His Majesty's Courts of Record in the United Kingdom, unless such Claim or Appearance is entered in the true and real Name or Names of the Owner or Owners, Proprietor or Proprietors of such Vessel, Boat, or Goods, describing the Place of Residence and the Business or Profession of such Person or Persons; and if such Person or Persons shall reside at *London, Edinburgh, or Dublin*, or within the Liberties thereof, Oath shall be made by him, her, or them before One of the Judges of the Court into which the said Vessel, Boat, or Goods are returned, or in which such Information is filed, that the said Vessel, Boat, or Goods was or were really and truly the Property of him, her, or them at the Time of such Seizure; but if such Person or Persons shall not be resident in *London, Edinburgh, or Dublin*, or the Liberties thereof, then and in such Case Oath shall be made in like Manner by the Agent or Attorney or Solicitor by whom such Claim or Appearance shall be entered, that he has full Power and legal Authority and Directions from such Owners or Proprietor to enter such Claim or Appearance, and that to the best of his Knowledge and Belief such Vessel, Boat, or Goods were, at the Time of the Seizure thereof, *bonâ fide* and truly the real Property of the Person or Persons in whose Name or Names such Claim or Appearance is entered; and on Failure thereof, the Vessel, Boat, or Goods shall be absolutely condemned, and Judgment shall be entered thereon by Default, according to the usual Method of Proceedings of the Court, in the same Manner as if no Claim or Appearance had been entered thereto; and every Person who shall be convicted of making or taking a false Oath to any of the Facts herein-before directed or required to be sworn shall be deemed guilty of Perjury, and shall be liable to the Pains and Penalties to which Persons are liable for wilful and corrupt Perjury.

CI. And be it further enacted, That upon the Entry of any Claim to any Boat or Vessel, or to any Goods, seized for any Cause of Forfeiture, or of any Appearance to any Information filed for such Forfeiture, the Person or Persons who shall enter the Claim or Appearance as the Owner or Proprietor thereof (in case such Claimant shall reside in the United Kingdom) shall be bound, with Two other sufficient Sureties, in the Penalty of One hundred Pounds, to answer and pay the Costs occasioned by such Claim or Appearance; and if such Owner or Proprietor shall not reside in the United Kingdom, then and in such Case the Attorney or Solicitor by whose Direction such Claim or Appearance shall be en-

Jurisdiction.

required to receive Offenders.

No Claim or Appearance to be entered to any Information for the Forfeiture of seized Goods, unless in the Name of the Owner, and Oath made to the Property.

Owners to give Security for Costs occasioned by the Claim or Appearance.

Jurisdiction.

If Suit brought on account of Seizure, and the Judge shall certify that there was probable Cause, Plaintiff to have Two-pence Damages, and Defendant fined not more than One Shilling.

tered shall in like Manner be bound, with Two other sufficient Sureties, in the like Penalty, to answer and pay the Costs occasioned by such Claim or Appearance.

CII. And be it further enacted, That in case any Information or Suit shall be commenced or brought to Trial on account of the Seizure of any Vessel, Boat, or Goods, Merchandizes, or Commodities whatsoever, or any Horses or other Animals, or any Carriage, seized as forfeited by this or any Act relating to the Customs, wherein a Verdict shall be found for the Claimant thereof, and it shall appear to the Judge or Court before whom the same shall have been tried that there was a probable Cause of Seizure, such Judge or Court shall certify in the Record that there was such probable Cause, and in such Case the Person who made such Seizure shall not be liable to any Action, Indictment, or other Suit or Prosecution on account of such Seizure; and in case any Action, Indictment, or other Suit or Prosecution shall be commenced and brought to Trial against any Person or Persons whatsoever on account of any such Seizure as aforesaid, wherein a Verdict shall be given against the Defendant or Defendants, if the Court or Judge before whom such Information or Suit shall have been tried shall have certified in the said Record that there was a probable Cause for such Seizure, then the Plaintiff, besides the Things seized, or the Value thereof, shall not be entitled to above Two-pence Damages, nor to any Costs of Suit, nor shall the Defendant in such Prosecution be fined above One Shilling.

No Process to be sued out against any Officer making Seizure, until One Calendar Month next after Notice given,

CIII. And be it further enacted, That no Writ shall be sued out against, nor a Copy of any Process served upon, any Officer of the Army, Navy, Marines, Customs, or Excise, or against any Person acting under the Direction of the Commissioners of His Majesty's Customs, for any thing done in the Execution of or by reason of his Office, until One Calendar Month next after Notice in Writing shall have been delivered to him, or left at his usual Place of Abode, by the Attorney or Agent for the Party who intends to sue out such Writ or Process as aforesaid, in which Notice shall be clearly and explicitly contained the Cause of Action, the Name and Place of Abode of the Person who is to bring such Action, and the Name and Place of Abode of the Attorney or Agent; and that a Fee of Twenty Shillings shall be paid for the preparing or serving of every such Notice, and no more.

No Evidence to be adduced but what is contained in the Notice,

CIV. Provided always, and be it further enacted, That no Plaintiff in any Case where an Action shall be grounded on any such Act done by the Defendant shall be permitted to produce any Evidence of the Cause of such Action, except such as shall be contained in the Notice to be given as aforesaid, or shall receive any Verdict against such Officer or Person unless he shall prove on the Trial of such Action that such Notice was given; and in default of such Proof, the Defendant in such Action shall receive a Verdict and Costs as aforesaid.

Officer may tender Amends.

CV. And be it further enacted, That it shall and may be lawful to and for any such Officer or other Person to whom such Notice shall have been given as aforesaid, at any Time within One Calendar Month after such Notice shall have been given, to tender Amends to the Party complaining, or to his, her, or their Agent or Attorney, and in case the same is not accepted to plead such Tender

Tender in bar to any Action to be brought against him grounded on such Writ or Process, together with the Plea of Not Guilty, and other Pleas, with Leave of the Court; and if, upon Issue joined thereon, the Jury shall find the Amends so tendered to have been sufficient, that then they shall give a Verdict for the Defendant; and in such Case, or in case the Plaintiff shall become nonsuited, or discontinue his, her, or their Action, or in case Judgment shall be given for such Defendant upon Demurrer, then such Defendant shall be entitled to the like Costs as he would have been entitled to in case he had pleaded the General Issue only; but if, upon Issue joined, the Jury shall find that no Amends were tendered, or that the same were not sufficient, or shall find against the Defendant in such other Plea or Pleas, then they shall give a Verdict for the Plaintiff, and such Damages as they shall think proper, together with his, her, or their Costs of Suit.

CVI. And be it further enacted, That in case such Officer or other Person as aforesaid shall neglect to tender any Amends, or shall have tendered insufficient Amends, before the Action brought, it shall and may be lawful for him, by Leave of the Court where such Action shall be brought, at any Time before the Trial of the said Action, to pay into Court such Sum of Money as he shall see fit, whereupon such Proceedings, Orders, and Judgments shall be had, made, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Neglecting to tender Amends, may pay Money into Court.

CVII. And be it further enacted, That if any Action or Suit shall be brought or commenced as aforesaid, such Action or Suit shall be brought or commenced within Six Months next after the Cause of Action shall have arisen, and not afterwards, and shall be laid and tried in the County or Place where the Facts were committed, and not in any other County or Place; and the Defendant or Defendants shall and may plead the General Issue, and give the special Matter in Evidence, at any Trial had thereupon; and if the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his, her, or their Action or Suit, or if, upon a Verdict or Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall or may receive Treble Costs, and have such Remedy for the same as any Defendant or Defendants can or may have in other Cases where Costs are given by Law.

Action to be commenced within Six Months next after Cause of Action has arisen.

CVIII. And be it further enacted, That whenever any Person shall be charged with any Offence against this or any Act relating to the Customs, or for which he or she may be prosecuted by Indictment or Information in His Majesty's Court of King's Bench, and the same shall be made appear to any Judge of the same Court, by Affidavit or by Certificate of an Information or Indictment being filed against such Person in the said Court for such Offence, it shall and may be lawful for such Judge to issue his Warrant under his Hand and Seal, and thereby to cause such Person to be apprehended, and brought before him or some other Judge of the same Court, or before some one of His Majesty's Justices of the Peace, in order to his or her being bound to the King's Majesty, with Two sufficient Sureties, in such Sum as in the said Warrant shall be expressed, with Condition to appear in the said Court at the Time mentioned in such Warrant, and to answer to all and singular Indictments or Informations for any such Offence; and in case any such

Judges of the King's Bench may issue Warrants for apprehending Offenders prosecuted by Indictment or Information.

Jurisdiction.

Neglecting to give Bail, may be committed to Gaol.

Indictments or Informations may be served by the Gaoler, and if Offender neglect to appear, &c., the Prosecutor may enter Plea of Not Guilty.

If upon Trial the Party is acquitted, any Judge may discharge him out of Custody.

When Recognizance is given, and the Party shall not plead, a Copy of the Information or Indictment may

such Person shall neglect or refuse to become bound as aforesaid, it shall be lawful for such Judge or Justice respectively to commit such Person to the Common Gaol of the County, City, or Place where the Offence shall have been committed, or where he or she shall have been apprehended, there to remain until he or she shall become bound as aforesaid, or shall be discharged by Order of the Court in Term Time, or of One of the Judges of the said Court in Vacation; and the Recognizance to be thereupon taken shall be returned and filed in the said Court, and shall continue in force until such Person shall have been acquitted of such Offence, or in case of Conviction shall have received Judgment for the same, unless sooner ordered by the Court to be discharged; and that where any Person, either by virtue of such Warrant of Commitment aforesaid, or by virtue of any Writ of Capias ad respondendum issued out of the said Court, is now detained or shall hereafter be committed to and detained in any Gaol for Want of Bail, it shall be lawful for the Prosecutor of such Indictment or Information to cause a Copy thereof to be delivered to such Person, or to the Gaoler, Keeper, or Turnkey of the Gaol wherein such Person is or shall be so detained, with a Notice thereon indorsed, that unless such Person shall, within Eight Days from the Time of such Delivery of a Copy of the Indictment or Information as aforesaid, cause an Appearance and also a Plea or Demurrer to be entered in the said Court to such Indictment or Information, an Appearance and the Plea of Not Guilty will be entered thereto in the Name of such Person; and in case he or she shall thereupon, for the Space of Eight Days after the Delivery of a Copy of such Indictment or Information as aforesaid, neglect to cause an Appearance and also a Plea or Demurrer to be entered in the said Court to such Indictment or Information, it shall be lawful for the Prosecutor of such Indictment or Information, upon Affidavit being made and filed in the Court of the Delivery of a Copy of such Indictment or Information, with such Notice indorsed thereon as aforesaid, to such Person, or to such Gaoler, Keeper, Turnkey, as the Case may be, which Affidavit may be made before any Judge or Commissioner of the said Court authorized to take Affidavits in the said Court, to cause an Appearance and the Plea of Not Guilty to be entered in the said Court to such Indictment or Information, for such Person; and such Proceedings shall be had thereupon as if the Defendant in such Indictment or Information appeared and pleaded Not Guilty, according to the usual Course of the said Court; and that if upon Trial of such Indictment or Information any Defendant so committed and detained as aforesaid shall be acquitted of all the Offences therein charged upon him or her, it shall be lawful for the Judge before whom such Trial shall be had, although he may not be one of the Judges of the said Court of King's Bench, to order that such Defendant shall be forthwith discharged out of Custody as to his or her Commitment as aforesaid, and such Defendant shall be thereupon discharged accordingly.

CIX. And be it further enacted, That where any Person shall be arrested by virtue of a Warrant issued as aforesaid, and shall enter into a Recognizance, and appear in the said Court at the Return of the said Recognizance, but shall not afterwards plead to the Information or Indictment, it shall and may be lawful for the

Prosecutor

Prosecutor of such Information or Indictment to cause a Copy thereof to be delivered to such Person, or to his or her Attorney or Agent, or to be left at his or her last Place of Abode, with a Notice thereon indorsed that unless such Person shall, within Eight Days from the Time of such Delivery of a Copy of the Information or Indictment as aforesaid, cause a Plea to be entered in the said Court to such Information or Indictment, that the Prosecutor of such Information or Indictment will enter a Plea of Not Guilty on his or her Behalf; and that upon Affidavit being made and filed in the Court of the Delivery of a Copy of such Information or Indictment, with such Notice indorsed thereon as aforesaid, to such Person, or to his or her Attorney or Agent, or at his or her last Place of Abode, as the Case may be, it shall be lawful for the Prosecutor of such Information or Indictment to cause the Plea of Not Guilty to be entered in the said Court to such Information or Indictment for such Person, and such Proceedings shall be had thereupon as if the Defendant in such Information or Indictment had pleaded according to the usual Course of the said Court.

Jurisdiction.

be delivered to his Attorney or Agent.

If the Party does not appear, a Plea of Not Guilty may be entered.

CX. And for the Purpose of enabling the Mayor and Commonalty and Citizens of the City of *London*, and their Successors, to ascertain and collect the Amount of the Dues payable to them upon the several Articles herein-after mentioned, imported Coastwise into the Port of *London*; be it enacted, That if all or any of the Goods of the Description herein-after mentioned, (that is to say,) Firkins of Butter, Tons of Cheese, Fish, Eggs, Salt, Fruit, Roots eatable, and Onions, brought Coastwise into the Port of the said City, and which are liable to the said Dues, shall be landed or unshipped at or in the said Port before a proper Certificate of the Payment of the said Duties shall have been obtained, such Goods shall be forfeited, and may be seized by any Officer of His Majesty's Customs empowered to seize any Goods landed without due Entry thereof; and such Forfeiture may be sued for, prosecuted, and recovered by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record at *Westminster*, in the Name of the Chamberlain of the said City, on behalf of the said Mayor and Commonalty and Citizens.

Certain Articles herein mentioned not to be landed Coastwise until the Dues of the City of *London* are paid.

CXI. And be it further enacted, That if any Person shall be arrested by a Writ of *Capias ad respondendum* issuing out of any of His Majesty's Courts of Record, or out of any of the Superior Courts of Record of either of the Counties Palatine, at the Suit of the King's Majesty, His Heirs and Successors, and the Sheriff or other Officer shall take Bail from such Person, the Sheriff or other Officer, at the Request and Costs of the Prosecutor, shall assign to the King's Majesty, His Heirs and Successors, the Bail Bond taken from such Person, by indorsing the same, and attesting it under his Hand and Seal, in the Presence of Two or more credible Witnesses, which may be done without any Stamp, provided the Assignment so indorsed be duly stamped before any Suit be commenced thereupon; and if such Bail Bond be forfeited, such Process shall thereupon issue as on Bonds originally made to the King's Majesty, His Heirs and Successors; and the Court in which such Bail Bond is put in Suit may, by Rule or Rules of the same Court, give such Relief to the Defendant or Defendants as is agreeable to Justice and Reason.

When Offenders are arrested and give Bail to the Sheriff, the Bail Bond to be assigned to His Majesty.

CXII. And

Jurisdiction.

Indictments
(except Cases
before Justices)
to be preferred
by Order of the
Commissioners,
and Suits to be
in the Name of
the Attorney
General.

CXII. And be it further enacted, That no Indictment shall be preferred or Suit commenced for the Recovery of any Penalty or Forfeiture under this or any other Act relating to the Customs or Excise (except in the Cases of Persons detained and carried before One or more Justices in pursuance of this Act) unless such Suit shall be commenced in the Name of His Majesty's Attorney General, or in the Name of the Lord Advocate of *Scotland*, or unless such Indictment shall be preferred under the Direction of the Commissioners of His Majesty's Customs or Excise, or unless such Suit shall be commenced in the Name of some Officer of Customs or Excise, under the Direction of the said Commissioners respectively.

The Attorney
General or Lord
Advocate may
sign a Noli pro-
sequi.

CXIII. And be it further enacted, That if any Prosecution whatever shall be commenced for the Recovery of any Fine, Penalty, or Forfeiture incurred under this or any other Act relating to the Customs or Excise, it shall be lawful for His Majesty's Attorney General, or for the Lord Advocate of *Scotland*, if he is satisfied that such Fine, Penalty, or Forfeiture was incurred without any Intention of Fraud, or that it is inexpedient to proceed in the said Prosecution, to stop all further Proceedings by entering a Noli prosequi, or otherwise, on such Information, as well with respect to the Share of such Fine, Penalty, or Forfeiture to which any Officer or Officers may be entitled, as to the King's Share thereof.

Proof of Pay-
ment of Duties,
or of the lawful
Importation of
Goods, to be on
the Owner.

CXIV. And be it further enacted, That if any Goods shall be seized for Nonpayment of Duties, or any other Cause of Forfeiture, and any Dispute shall arise whether the Customs, Excise, or Inland Duties have been paid for the same, or the same have been lawfully imported, or concerning the Place from whence such Goods were brought, then and in such Case the Proof thereof shall be on the Owner or Claimer of such Goods, and not on the Officer who shall seize and stop the same.

No Justice con-
nected with the
Collection of the
Revenue to
interfere in
summary Con-
victions.

CXV. And be it further enacted, That no Justice of the Peace who is a Collector or Comptroller, or otherwise connected with the Collection of the Customs or Excise, shall take cognizance of any Matter relating to the summary Convictions of Persons offending against this or any other Act relating to the Customs.

Averment of
certain Matters
to be sufficient,
unless the con-
trary is proved.

CXVI. And be it further enacted, That in case of any Information or Proceedings had under this or any other Act relating to the Customs, the Averment that the Commissioners of His Majesty's Customs or Excise have directed or elected such Information or Proceedings to be instituted, or that any Vessel is Foreign, or belonging wholly or in part to His Majesty's Subjects, or that any Person detained or found on board any Vessel or Boat liable to Seizure is or is not a Subject of His Majesty, or that any Person detained is or is not a Seafaring Man, or fit and able to serve His Majesty in His Naval Service, or that any Person is an Officer of the Customs, and where the Offence is committed in any Port in the United Kingdom, the naming of such Port in any Information or Proceedings, shall be sufficient, without Proof as to such Fact or Facts, unless the Defendant in such Case shall prove to the contrary.

Persons em-
ployed for
Prevention of
Smuggling to
be deemed duly
employed.

CXVII. And be it further enacted, That all Persons employed for the Prevention of Smuggling under the Direction of the Commissioners of His Majesty's Customs, or of any Officer or Officers in the Service of the Customs, shall be deemed and taken to be
duly

duly employed for the Prevention of Smuggling; and the Averment, in any Information or Suit, that such Party was so duly employed shall be sufficient Proof thereof, unless the Defendant in such Information or Suit shall prove to the contrary.

Jurisdiction.
—

CXVIII. And be it further enacted, That if upon any Trial a Question shall arise whether any Person is an Officer of the Army, Navy, or Marines, being duly employed for the Prevention of Smuggling, and on Full Pay, or an Officer of Customs or Excise, Evidence of his having acted as such shall be deemed sufficient, and such Person shall not be required to produce his Commission or Deputation, unless sufficient Proof shall be given to the contrary; and every such Officer, and any Person acting in his Aid or Assistance, shall be deemed a competent Witness upon the Trial of any Suit or Information on account of any Seizure or Penalty as aforesaid, notwithstanding such Officer or other Person may be entitled to the Whole or any Part of such Seizure or Penalty, or to any Reward upon the Conviction of the Party charged in such Suit or Information.

Vivâ voce
Evidence may be given that a Party is an Officer, and deemed a competent Witness, although entitled to a Share of the Seizure or Penalty.

CXIX. And be it further enacted, That upon the Trial of any Issue, or upon any judicial Hearing or Investigation touching any Penalty or Forfeiture under any Law or Laws relating to the Customs or Excise, or to the Law of Navigation, where it may be necessary to give Proof of any Order issued by the Commissioners of His Majesty's Treasury, or by the Commissioners of His Majesty's Customs or Excise respectively, the Letter or Instructions which shall have been officially received by the Officer of Customs or Excise at the Place or District where such Penalty or Forfeiture shall have been incurred, or shall be alleged to have been incurred, for his Government, and in which such Order is mentioned or referred to, and under which said Instructions he shall have acted as such Officer, shall be admitted and taken as sufficient Evidence and Proof of such Order to all Intents and Purposes whatsoever.

What shall be deemed sufficient Evidence of an Order of the Commissioners of Customs or Excise.

CXX. And be it further enacted, That all Suits, Indictments, or Informations exhibited for any Offence against this or any other Act relating to the Customs in any of His Majesty's Courts of Record at *Westminster*, or in *Dublin*, or in *Edinburgh*, or in the Royal Courts of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, shall and may be had, brought, sued, or exhibited within Three Years next after the Date of the Offence committed, and shall and may be exhibited before any One or more Justices of the Peace within Six Months next after the Date of the Offence committed.

Within what Time Suits, Indictments, or Informations are to be exhibited.

CXXI. Provided always, and be it further enacted, That where any Person shall have been detained for any Offence against this or any other Act relating to the Customs, and shall have made his Escape from Custody, an Information may be exhibited before One or more Justices of the Peace against such Person, for such Offence, at any Time afterwards, although more than Six Months shall have expired.

Information may be exhibited any Time after Six Months.

CXXII. And be it further enacted, That any Indictment or Information for any Offence against this or any other Act relating to the Customs shall and may be inquired of, examined, tried, and determined in any County of *England* where the Offence is committed in *England*, and in any County in *Scotland* where the Offence is committed in *Scotland*, and in any County in *Ireland* where the Offence

Indictments or Informations may be tried in any County in *England*, *Scotland*, or *Ireland* respectively.

Jurisdiction.
—

Act may be
altered this
Session.

Offence is committed in *Ireland*, in such Manner and Form as if the Offence had been committed in the said County where the said Indictment or Information shall be tried.

CXXIII. And be it further enacted, That this Act may be altered, varied, or repealed by any Act to be passed in the present Session of Parliament.

SCHEDULES to which this Act refers.

No. 1.

Form of Information before Justices of the Peace, where the Party charged is a Subject of His Majesty, and a pecuniary Penalty is inflicted.

County of } BE it remembered, That on the Day of
to wit. } in the Year of our Lord
A.B., Officer of Customs, who is directed by the Commissioners of His Majesty's Customs to prefer this Information, gives us Esquires, Two of His Majesty's Justices of the Peace in and for to understand and be informed, that C.D., being a Subject of His Majesty, on the Day of in the Year of our Lord [here state the Offence], contrary to the Form of the Statute in that Case made and provided, whereby the said C.D. hath forfeited the Sum of Pounds.

No. 2.

Form of a Conviction to be used for an Offence against this Act in Cases where a pecuniary Penalty is inflicted upon the Offender being a Subject of His Majesty.

County of } BE it remembered, That on the Day of in the Year of our Lord
to wit. } an Information was exhibited by A.B., Officer of Customs, before us Esquires, Two of His Majesty's Justices of the Peace in and for against C.D.; which said Information charged, that the said C.D. on the Day of in the Year of our Lord [here state the Offence as in the Information], contrary to the Form of the Statute; which Offence has been duly proved before us the said Justices: We do therefore convict the said C.D. of the said Offence, and do adjudge, that the said C.D. hath forfeited for his said Offence the Sum of Pounds. Given under our Hands and Seals the Day of [In Cases where the Magistrates exercise the Power of Mitigation, add these Words] "which said Sum of we the said Justices do hereby mitigate to the Sum of ."

No. 3.

Form of Warrant of Commitment to Gaol for a Penalty.

County of } To A.B., Officer of Customs, and to E.F., the
to wit. } Gaoler or Keeper of the at
in the

WHEREAS C.D. has been duly convicted before us Esquires, Two of His Majesty's Justices of the Peace in and for of having [state the Offence as in the Information]:
And

And whereas we the said Justices did adjudge that the said *C.D.* had forfeited for his said Offence the Sum of _____ Pounds (which Sum of _____ Pounds we the said Justices did mitigate to the Sum of _____), which said Sum of _____ Pounds has not been paid: These are therefore to require you, the said *A.B.*, forthwith to take, carry, and convey the said *C.D.* to the _____ at _____ in the _____ and to deliver him into the Custody of the Gaoler or Keeper of the said _____; and we the said Justices do hereby authorize and require you the said *E.F.*, the Gaoler or Keeper of the said _____ to receive and take the said *C.D.* into your Custody, and him safely to keep until he shall duly pay the said Sum of _____ . Given under our Hands and Seals at _____ in the _____ of _____ this _____ Day of _____ in the Year of our Lord One thousand eight hundred and _____ .

No. 4.

Form of an Information before Justices of the Peace, where the Party charged is a Seafaring Man, and fit and able to serve His Majesty in His Naval Service.

County of
to wit.

} BE it remembered, That on the
Day of in the Year of our Lord
A.B., Officer of Customs, who is directed by
the Commissioners of His Majesty's Customs to prefer this Infor-
mation, gives us Esquires, Two of His
Majesty's Justices of the Peace in and for
to understand and be informed, that C.D., being a Subject of His
Majesty, and a Seafaring Man, and fit and able to serve His Majesty
in His Naval Service, on the Day of
in the Year of our Lord [here state the Offence],
contrary to the Form of the Statute in that Case made and provided,
whereby the said C. D. hath become liable to serve His Majesty in
His Naval Service for the Term of Five Years.

No. 5.

*Form of a Conviction where the Party convicted is a Seafaring Man,
and fit and able to serve His Majesty in His Naval Service.*

County of
to wit.

} **BE** it remembered, That on the
Day of _____ in the Year of our Lord
_____ an Information was exhibited before us
Esquires, Two of His Majesty's Justices of
the Peace in and for _____ against *C.D.* by *A.B.*, Officer of
Customs, which said Information charged, that the said *C.D.*, being
a Subject of His Majesty, and a Seafaring Man, and fit and able to
serve His Majesty in His Naval Service, on the
Day of _____ in the Year of our Lord
[*here state the Offence as in the Information*], contrary to the Form
of the Statute; which Offence has been duly proved before us the
said Justices; and it appearing to us the said Justices, that the said
C.D. is a Seafaring Man, and fit and able to serve His Majesty in
His Naval Service, we the said Justices do therefore adjudge the
said *C.D.* to serve in His Majesty's Naval Service for the Term of
Five Years. Given under our Hands and Seals this
Day of _____ in the Year of our Lord .

No. 6.

No. 6.

Form of a Warrant of Commitment to serve in the Navy.

County of } To A. B. Officer of _____ and to the
to wit. } Commander of one of His Majesty's Ships of
War.

WHEREAS *C. D.* has been duly convicted before us
Esquires, Two of His Majesty's Justices of the Peace in and
for upon the Information of
Officer of Customs, of having [*here state the Offence as charged in
the Information*]: And whereas the said *C. D.* has not proved that
he is not a Subject of His Majesty, and being a Seafaring Man,
and fit and able to serve His Majesty in His Naval Service, we
the said Justices did adjudge the said *C. D.* to serve His said Majesty
in His Naval Service for the Space of Five Years, pursuant to the
Statute in that Case made and provided: These are therefore to
require you the said *A. B.* to carry and convey the said *C. D.* on
board of one of His Majesty's Ships, in order to his serving His
Majesty in His Naval Service; and we the said Justices do hereby
require the Commander of His Majesty's Ship to whom this War-
rant is delivered to receive and take the said *C. D.* on board His
said Majesty's Ship, in order to his serving in His Naval Service
for the Period of Five Years as aforesaid. Given under our Hands
and Seals at in the of
this Day of in the Year of our Lord
One thousand eight hundred and .

No. 7.

Form of Information before Justices of the Peace, where the Party charged is not a Subject of His Majesty.

County of _____
to wit. } BE it remembered, That on the
Day of _____ in the Year of our Lord
A.B., Officer of Customs, who is directed by the
Commissioners of His Majesty's Customs to prefer this Informa-
tion, gives us _____ Esquires, Two of His Majesty's
Justices of the Peace in and for _____ to understand
and be informed, that C.D., not being a Subject of His Majesty,
on the Day of _____ in the Year of our Lord
[here state the Offence, setting forth that the
same took place within One League of the Coast of this Kingdom],
contrary to the Form of the Statute in that Case made and pro-
vided, whereby the said A.B. hath forfeited the Sum of _____.

No. 8.

*Form of Conviction to be used for an Offence against this Act in the
Case of the Person charged not being a Subject of His Majesty.*

County of _____ } **BE** it remembered, That on the _____
to wit. _____ Day of _____ in the Year of our Lord
an Information was exhibited by *A.B.*, an Officer
of the Customs, before us _____ Esquires, Two of
His Majesty's Justices of the Peace in and for _____
against *C.D.*, which said Information charged, that the said *C.D.*
on the _____ Day of _____ in the Year of our Lord
[*here state the Offence as in the Information, setting forth*

forth that the same took place within One League of the Coast of this Kingdom], contrary to the Form of the Statute; which Offence has been duly proved before us the said Justices: We do therefore convict the said C. D. of the said Offence, and do adjudge that the said C. D. hath forfeited for his said Offence the Sum of .
Given under our Hands and Seals this Day of
in the Year of our Lord

No. 9.

Form of Warrant of Commitment to Gaol of a Person not being a Subject of His Majesty.

County of } To A. B., Officer of Customs, and to E. F., the
to wit. } Gaoler or Keeper of the at
 in the

WHEREAS C. D., not being a Subject of His Majesty, has been duly convicted before us, Esquires,
Two of His Majesty's Justices of the Peace in and for
of having [*here state the Offence as in the Information*]: And whereas we the said Justices did adjudge that the said C. D. had forfeited for his said Offence the Sum of which said Sum of has not been paid: These are therefore to require you the said A. B. forthwith to take, carry, and convey the said C. D. to the at in the and to deliver him into the Custody of the Gaoler or Keeper of the said ; and we the said Justices do hereby authorize and require you the said E. F., the Gaoler or Keeper of the said to receive and take the said C. D. into your Custody, and him safely to keep until he shall duly pay the said Sum of . Given under our Hands and Seals at in the of this Day of in the Year of our Lord One thousand eight hundred and

CAP. LIV.

An Act for the Encouragement of *British Shipping and Navigation.* [28th August 1833.]

WHEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty King George the Fourth, intitled *An Act for the Encouragement of British Shipping and Navigation*, whereby the Laws for the Encouragement of *British Shipping and Navigation* were consolidated and amended: And whereas since the passing of the said Act divers Acts for the further Amendment of the Law have been found necessary, and it will be of advantage to the Trade and Commerce of the Country that the said Acts should be consolidated into One Act; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That this Act shall commence upon the First Day of *September* One thousand eight hundred and thirty-three, except where any other Commencement is herein particularly directed.

II. And be it further enacted, That the several Sorts of Goods herein-after enumerated, being the Produce of *Europe*; (that is to say,)

[No. 33. Price 2d.]

K k

283 Vc 95
607 Vc 84 & 19
w. p. 1834
819 Vc 84
see also c. 58
6 G. 4. c. 109.

Commencement
of Act.

Ships in which
only enumerat-
ed Goods of

Europe may be imported.

say,) Masts, Timber, Boards, Tar, Tallow, Hemp, Flax, Currants, Raisins, Figs, Prunes, Olive Oil, Corn or Grain, Wine, Brandy, Tobacco, Wool, Shumac, Madders, Madder Roots, Barilla, Brimstone, Bark of Oak, Cork, Oranges, Lemons, Linseed, Rape Seed, and Clover Seed, shall not be imported into the United Kingdom to be used therein, except in *British Ships*, or in Ships of the Country of which the Goods are the Produce, or in Ships of the Country from which the Goods are imported.

Places from which only Goods of Asia, Africa, or America may be imported.

III. And be it further enacted, That Goods, the Produce of *Asia*, *Africa*, or *America*, shall not be imported from *Europe* into the United Kingdom, to be used therein, except the Goods herein-after mentioned ; (that is to say,)

Goods, the Produce of the Dominions of the Emperor of *Morocco*, which may be imported from Places in *Europe* within the Straits of *Gibraltar* :

Goods, the Produce of *Asia* or *Africa*, which (having been brought into Places in *Europe* within the Straits of *Gibraltar*, from or through Places in *Asia* or *Africa* within those Straits, and not by Way of the *Atlantic Ocean*) may be imported from Places in *Europe* within the Straits of *Gibraltar* :

Goods, the Produce of Places within the Limits of the *East India Company's Charter*, which (having been imported from those Places into *Gibraltar* or *Malta* in *British Ships*) may be imported from *Gibraltar* or *Malta* :

Goods taken by way of Reprisal by *British Ships* :

Bullion, Diamonds, Pearls, Rubies, Emeralds, and other Jewels or precious Stones.

Ships in which only Goods of Asia, Africa, or America may be imported.

IV. And be it further enacted, That Goods, the Produce of *Asia*, *Africa*, or *America*, shall not be imported into the United Kingdom, to be used therein, in Foreign Ships, unless they be the Ships of the Country in *Asia*, *Africa*, or *America*, of which the Goods are the Produce, and from which they are imported, except the Goods herein-after mentioned ; (that is to say,)

Goods, the Produce of the Dominions of the Grand Seigneur, in *Asia* or *Africa*, which may be imported from his Dominions in *Europe*, in Ships of his Dominions :

Raw Silk and Mohair Yarn, the Produce of *Asia*, which may be imported from the Dominions of the Grand Seigneur in the *Levant Seas*, in Ships of his Dominions :

Bullion.

Manufacture deemed Produce.

V. Provided always, and be it further enacted, That all manufactured Goods shall be deemed to be the Produce of the Country of which they are the Manufacture.

From Guernsey, &c.

VI. And be it further enacted, That no Goods shall be imported into the United Kingdom from the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, except in *British Ships*.

Exports to Asia, &c. and to Guernsey, &c.

VII. And be it further enacted, That no Goods shall be exported from the United Kingdom to any *British Possession* in *Asia*, *Africa*, or *America*, nor to the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, except in *British Ships*.

Coastwise.

VIII. And be it further enacted, That no Goods shall be carried Coastwise from one Part of the United Kingdom to another, except in *British Ships*.

IX. And

IX. And be it further enacted, That no Goods shall be carried from any of the Islands of *Guernsey, Jersey, Alderney, Sark, or Man*, to any other of such Islands, nor from one Part of any of such Islands to another Part of the same Island, except in *British Ships*.

Between
Guernsey,
Jersey, &c.

X. And be it further enacted, That no Goods shall be carried from any *British Possession* in *Asia, Africa, or America*, to any other of such Possessions, nor from one Part of any of such Possessions to another Part of the same, except in *British Ships*.

Between British Possessions
in Asia, &c.

XI. And be it further enacted, That no Goods shall be imported into any *British Possession* in *Asia, Africa, or America*, in any Foreign Ships, unless they be Ships of the Country of which the Goods are the Produce, and from which the Goods are imported.

Imports into
British Possessions in Asia,
&c.

XII. And be it further enacted, That no Ship shall be admitted to be a *British Ship* unless duly registered and navigated as such; and that every *British* registered Ship (so long as the Registry of such Ship shall be in force, or the Certificate of such Registry retained for the Use of such Ship) shall be navigated during the whole of every Voyage (whether with a Cargo or in Ballast), in every Part of the World, by a Master who is a *British Subject*, and by a Crew, whereof Three Fourths at least are *British Seamen*; and if such Ship be employed in a coasting Voyage from one Part of the United Kingdom to another, or in a Voyage between the United Kingdom and the Islands of *Guernsey, Jersey, Alderney, Sark, or Man*, or from one of the said Islands to another of them, or from one Part of either of them to another of the same, or be employed in fishing on the Coasts of the United Kingdom or of any of the said Islands, then the whole of the Crew shall be *British Seamen*.

No Ship British,
unless registered,
&c. and navigated
as such.

XIII. Provided always, and be it further enacted, That all *British-built Boats or Vessels* under Fifteen Tons Burthen, wholly owned and navigated by *British Subjects*, although not registered as *British Ships*, shall be admitted to be *British Vessels* in all Navigation in the Rivers and upon the Coasts of the United Kingdom, or of the *British Possessions* Abroad, and not proceeding over Sea, except within the Limits of the respective Colonial Governments within which the managing Owners of such Vessels respectively reside; and that all *British-built Boats or Vessels* wholly owned and navigated by *British Subjects*, not exceeding the Burthen of Thirty Tons, and not having a whole or a fixed Deck, and being employed solely in fishing on the Banks and Shores of *Newfoundland*, and of the Parts adjacent, or on the Banks and Shores of the Provinces of *Canada, Nova Scotia, or New Brunswick*, adjacent to the Gulf of *Saint Lawrence*, or on the North of *Cape Canso*, or of the Islands within the same, or in trading Coastwise within the said Limits, shall be admitted to be *British Boats or Vessels*, although not registered, so long as such Boats or Vessels shall be solely so employed.

But Vessels under Fifteen Tons Burthen admitted in Navigation upon Rivers, &c. although not registered.

Vessels under 30 Tons for Newfoundland Fishery, &c. need not be registered.

XIV. Provided also, and be it further enacted, That all Ships built in the *British Settlements* at *Honduras*, and owned and navigated as *British Ships*, shall be entitled to the Privileges of *British* registered Ships in all direct Trade between the United Kingdom or the *British Possessions* in *America* and the said Settlements; provided the Master shall produce a Certificate under the Hand of the Superintendent of those Settlements that satisfactory Proof has

Honduras Ships to be as British, in Trade with United Kingdom and Colonies in America.

been made before him that such Ship (describing the same) was built in the said Settlements, and is wholly owned by *British* Subjects; provided also, that the Time of the Clearance of such Ship from the said Settlements for every Voyage shall be endorsed upon such Certificate by such Superintendent.

Ship of any Foreign Country to be of the Built of, or Prize to such Country; or *British*-built, and owned and navigated by Subjects of the Country.

XV. And be it further enacted, That no Ship shall be admitted to be a Ship of any particular Country unless she be of the Built of such Country; or have been made Prize of War to such Country; or have been forfeited to such Country under any Law of the same, made for the Prevention of the Slave Trade, and condemned as such Prize or Forfeiture by a competent Court of such Country; or be *British*-built (not having been a Prize of War from *British* Subjects to any other Foreign Country); nor unless she be navigated by a Master who is a Subject of such Foreign Country, and by a Crew of whom Three Fourths at least are Subjects of such Country; nor unless she be wholly owned by Subjects of such Country usually residing therein, or under the Dominion thereof: Provided always, that the Country of every Ship shall be deemed to include all Places which are under the same Dominion as the Place to which such Ship belongs.

Master and Seamen not *British* unless natural-born, or naturalized, or Denizens or Subjects by Conquest or Cession, or having served in H.M. Ships of War.

XVI. And be it further enacted, That no Person shall be qualified to be a Master of a *British* Ship, or to be a *British* Seaman within the Meaning of this Act, except the natural-born Subjects of His Majesty, or Persons naturalized by any Act of Parliament, or made Denizens by Letters of Denization; or except Persons who have become *British* Subjects by virtue of Conquest or Cession of some newly acquired Country, and who shall have taken the Oath of Allegiance to His Majesty, or the Oath of Fidelity required by the Treaty or Capitulation by which such newly acquired Country came into His Majesty's Possession; or Persons who shall have served on board any of His Majesty's Ships of War in Time of War for the Space of Three Years: Provided always, that the Natives of Places within the Limits of the *East India* Company's Charter, although under *British* Dominion, shall not, upon the Ground of being such Natives, be deemed to be *British* Seamen: Provided always, that every Ship (except Ships required to be wholly navigated by *British* Seamen) which shall be navigated by One *British* Seaman, if a *British* Ship, or One Seaman of the Country of such Ship, if a Foreign Ship, for every Twenty Tons of the Burthen of such Ship, shall be deemed to be duly navigated, although the Number of other Seamen shall exceed One Fourth of the whole Crew: Provided always, that nothing herein contained shall extend to repeal or alter the Provisions of an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, for consolidating and amending the Laws then in force with respect to Trade from and to Places within the Limits of the *East India* Company's Charter.

Natives of India not to be *British* Seamen.

One *British* Seaman to Twenty Tons sufficient to constitute a proper Crew.

Foreigners having served Two Years on board H.M.S. during War.

XVII. Provided always, and be it further enacted, That it shall be lawful for His Majesty, by His Royal Proclamation during War, to declare that Foreigners, having served Two Years on board any of His Majesty's Ships of War in Time of such War, shall be *British* Seamen within the Meaning of this Act.

British Ship not to depart *British*

XVIII. And be it further enacted, That no *British* registered Ship shall be suffered to depart any Port in the United Kingdom,

or any *British Possession* in any Part of the World (whether with a Cargo or in Ballast), unless duly navigated: Provided always, that any *British Ships*, trading between Places in *America*, may be navigated by *British Negroes*; and that Ships trading Eastward of the *Cape of Good Hope* within the Limits of the *East India Company's Charter* may be navigated by *Lascars*, or other Natives of Countries within those Limits.

Port unless duly navigated, &c.

XIX. And be it further enacted, That if any *British* registered Ship shall at any Time have, as Part of the Crew in any Part of the World, any Foreign Seaman not allowed by Law, the Master or Owners of such Ship shall for every such Foreign Seaman forfeit the Sum of Ten Pounds: Provided always, that if a due Proportion of *British* Seamen cannot be procured in any Foreign Port, or in any Place within the Limits of the *East India Company's Charter*, for the Navigation of any *British* Ship; or if such Proportion be destroyed during the Voyage by any unavoidable Circumstance, and the Master of such Ship shall produce a Certificate of such Facts under the Hand of any *British* Consul, or of Two known *British* Merchants, if there be no Consul at the Place where such Facts can be ascertained, or from the *British* Governor of any Place within the Limits of the *East India Company's Charter*; or, in the Want of such Certificate, shall make Proof of the Truth of such Facts to the Satisfaction of the Collector and Controller of the Customs of any *British* Port, or of any Person authorized in any other Part of the World to inquire into the Navigation of such Ship, the same shall be deemed to be duly navigated.

If Excess of Foreign Seamen, Penalty 10*l.* for each; except *British* Seamen cannot be procured in Foreign Ports, or in India; or Proportion destroyed unavoidably; and Certificate produced or Proof made.

XX. And be it further enacted, That if His Majesty shall, at any Time by His Royal Proclamation, declare that the Proportion of *British* Seamen necessary to the due Navigation of *British* Ships shall be less than the Proportion required by this Act, every *British* Ship navigated with the Proportion of *British* Seamen required by such Proclamation shall be deemed to be duly navigated so long as such Proclamation shall remain in force.

Proportion of Seamen may be altered by Proclamation.

XXI. Provided always, and be it further enacted, That Goods of any Sort or the Produce of any Place, not otherwise prohibited than by the Law of Navigation herein-before contained, may be imported into the United Kingdom from any Place in a *British* Ship, and from any Place not being a *British* Possession in a Foreign Ship of any Country, and however navigated, to be warehoused for Exportation only, under the Provisions of any Law in force for the Time being, made for the warehousing of Goods without Payment of Duty upon the First Entry thereof.

Goods prohibited only by Navigation Law may be imported for Exportation.

XXII. And be it further enacted, That if any Goods be imported, exported, or carried Coastwise, contrary to the Law of Navigation, all such Goods shall be forfeited, and the Master of such Ship shall forfeit the Sum of One hundred Pounds.

Forfeitures how incurred.

XXIII. And be it further enacted, That all Penalties and Forfeitures incurred under this Act shall be sued for, prosecuted, recovered, and disposed of, or shall be mitigated or restored, in like Manner as any Penalty or Forfeiture can be sued for, prosecuted, recovered, and disposed of, or may be mitigated or restored, under an Act passed in the present Session of Parliament for the Prevention of Smuggling.

Recovery of Forfeitures.

Act may be
altered this
Session.

XXIV. And be it further enacted, That this Act may be altered, varied, or repealed by any Act or Acts to be passed in this present Session of Parliament.

CAP. LV.

An Act for the registering of *British Vessels*.

[28th August 1833.]

*repealed by
8 & 9 Geo. IV.
1818 & 1819*

6 G. 4. c. 110.

Commencement
of Act.

No Vessel to
enjoy Privileges
until registered.

4 G. 4. c. 41.

Form of
Certificate of
Registry.

‘ **W**HEREAS an Act was passed in the Sixth Year of the
‘ Reign of His late Majesty King *George* the Fourth, inti-
‘ tuled *An Act for the registering of British Vessels*, whereby the
‘ Laws in relation to the Registration of *British Vessels* were con-
‘ solidated and amended: And whereas since the passing of the
‘ said Act divers Acts for the further Amendment of the Law have
‘ been found necessary, and it will be of advantage to the Trade
‘ and Commerce of the Country that the said Acts should be con-
‘ solidated into One Act:’ Be it therefore enacted by the King’s
most Excellent Majesty, by and with the Advice and Consent of
the Lords Spiritual and Temporal, and Commons, in this present
Parliament assembled, and by the Authority of the same, That this
Act shall commence upon the First Day of *September* One thousand
eight hundred and thirty-three, except where any other Commence-
ment is herein particularly directed.

II. And be it further enacted, That no Ship or Vessel shall be
entitled to any of the Privileges or Advantages of a *British*-registered
Ship unless the Person or Persons claiming Property therein shall
have caused the same to have been registered in virtue of the said
Act, or of an Act passed in the Fourth Year of His said late
Majesty’s Reign, intituled *An Act for the registering of British
Vessels*, or until such Person or Persons shall have caused the
same to be registered in manner herein-after mentioned, and shall
have obtained a Certificate of such Registry from the Person or
Persons authorized to make such Registry and grant such Cer-
tificate as herein-after directed; the Form of which Certificate shall
be as follows; *videlicet*,

‘ THIS is to certify, That in pursuance of an Act passed in the
‘ Fourth Year of the Reign of King *William* the Fourth, intituled
‘ *An Act* [here insert the Title of this Act, the Names, Occupation,
‘ and Residence of the subscribing Owners], having made and sub-
‘ scribed the Declaration required by the said Act, and having
‘ declared that [he or they] together with [Names, Occupations, and
‘ Residence of non-subscribing Owners] [is or are] sole Owner or
‘ Owners, in the Proportions specified on the Back hereof, of the
‘ Ship or Vessel called the [Ship’s Name] of [Place to which the
‘ Vessel belongs], which is of the Burthen of [Number of Tons], and
‘ whereof [Master’s Name] is Master, and that the said Ship or
‘ Vessel was [when and where built, or condemned as Prize, referring
‘ to Builder’s Certificate, Judge’s Certificate, or Certificate of last
‘ Registry, then delivered up to be cancelled], and [Name and Em-
‘ ployment of surveying Officer] having certified to us that the said
‘ Ship or Vessel has [Number] Decks and [Number] Masts, that her
‘ Length from the fore Part of the Main Stem to the after Part of
‘ the Stern Post aloft is [Number of Feet and Inches], her Breadth
‘ at the broadest Part [stating whether that be above or below the Main
‘ Wales]

' *Wales*] is [*Number of Feet and Inches*], her [*Height between Decks if more than One Deck, or Depth in the Hold if only One Deck*] is [*Number of Feet and Inches*], that she is [*how rigged*] rigged with a [*standing or running*] Bowsprit, is [*Description of Stern*] sterned, [*Carvel or Clincher*] built, has [*whether any or no*] Gallery, and [*Kind of Head, if any*] Head; and the said subscribing Owners having consented and agreed to the above Description, and having caused sufficient Security to be given as is required by the said Act, the said Ship or Vessel called the [*Name*] has been duly registered at the Port of [*Name of Port*]. Certified under our Hands at the Custom House in the said Port of [*Name of Port*] this [*Date*] Day of [*Name of Month*] in the Year [*Words at Length*].

' [*Signed*] Collector.

' [*Signed*] Controller.'

And on the Back of such Certificate of Registry there shall be an Account of the Parts or Shares held by each of the Owners mentioned and described in such Certificate, in the Form and Manner following :

Names of the several Owners within mentioned.	Number of Sixty-fourth Shares held by each Owner.
' [<i>Name</i> - - - -]	- - - - <i>Thirty-two.</i>
' [<i>Name</i> - - - -]	- - - - <i>Sixteen.</i>
' [<i>Name</i> - - - -]	- - - - <i>Eight.</i>
' [<i>Name</i> - - - -]	- - - - <i>Eight.</i>
' [<i>Signed</i>]	Collector.
' [<i>Signed</i>]	Controller.'

III. And be it further enacted, That the Persons authorized and required to make such Registry and grant such Certificates shall be the several Persons herein-after mentioned and described; (that is to say,)

Persons authorized to make Registry and grant Certificates.

The Collector and Controller of His Majesty's Customs in any Port in the United Kingdom of *Great Britain* and *Ireland*, and in the *Isle of Man* respectively, in respect of Ships or Vessels to be there registered :

In United Kingdom and Isle of Man :

The principal Officers of His Majesty's Customs in the Island of *Guernsey* or *Jersey*, together with the Governor, Lieutenant Governor, or Commander in Chief of those Islands respectively, in respect of Ships or Vessels to be there registered :

In Guernsey, &c. :

The Collector and Controller of His Majesty's Customs of any Port in the *British Possessions* in *Asia*, *Africa*, and *America*, or the Collector of any such Port at which no Appointment of a Controller has been made, in respect of Ships or Vessels to be there registered :

In Colonies in Asia, Africa, and America :

The Collector of Duties at any Port in the Territories under the Government of the *East India Company*, within the Limits of the Charter of the said Company, or any other Person of the Rank in the said Company's Service of Senior Merchant, or of Six Years standing in the said Service, being respectively appointed to act in the Execution of this Act by any of the Governments of the said Company, in respect of Ships or Vessels to be there registered :

In Territories of E. I. Company :

The Collector of Duties at any *British Possession* within the said Limits, and not under the Government of the said Company, and

In other Places within Limits of the Charter :

and at which a Custom House is not established, together with the Governor, Lieutenant Governor, or Commander in Chief of such Possession, in respect of Ships or Vessels to be there registered :

In Malta, Gibraltar, &c.

The Governor, Lieutenant Governor, or Commander in Chief of *Malta, Gibraltar, Heligoland, and Cape of Good Hope* respectively, in respect of Ships or Vessels to be there registered :

Limitation as to Vessels registered at Malta, Gibraltar, or Heligoland.

Provided always, that no Ship or Vessel to be registered at *Heligoland*, except such as is wholly of the Built of that Place, and that Ships or Vessels, after having been registered at *Malta, Gibraltar, or Heligoland*, shall not be registered elsewhere; and that Ships or Vessels registered at *Malta, Gibraltar, or Heligoland* shall not be entitled to the Privileges and Advantages of *British Ships* in any Trade between the said United Kingdom and any of the *British*

Certain Powers of Collectors and Controllers, by whom to be exercised in certain Cases.

Possessions in *America*: Provided also, that wherever in and by this Act it is directed or provided that any Act, Matter, or Thing shall and may be done or performed by, to, or with any Collector and Controller of His Majesty's Customs, the same shall or may be done or performed by, to, or with the several Persons respectively herein-before authorized and required to make Registry, and to grant Certificates of Registry as aforesaid, and according as the same Act, Matter, or Thing is to be done or performed at the said several and respective Places, and within the Jurisdiction of the said several Persons respectively: Provided also, that wherever in and by this Act it is directed or provided that any Act, Matter, or Thing shall or may be done or performed by, to, or with the Commissioners of His Majesty's Customs, the same shall or may be done or performed by, to, or with the Governor, Lieutenant Governor, or Commander in Chief of any Place where any Ship or Vessel may be registered under the Authority of this Act, so far as such Act, Matter, or Thing can be applicable to the registering of any Ship or Vessel at such Place.

Powers of Commissioners of Customs in United Kingdom given to Governors, &c. Abroad.

Ships exercising Privileges before Registry to be forfeited;

IV. And be it further enacted, That in case any Ship or Vessel not being duly registered, and not having obtained such Certificate of Registry as aforesaid, shall exercise any of the Privileges of a *British Ship*, the same shall be subject to Forfeiture, and also all the Guns, Furniture, Ammunition, Tackle, and Apparel to the same Ship or Vessel belonging, and shall and may be seized by any Officer or Officers of His Majesty's Customs: Provided always, that nothing in this Act shall extend or be construed to extend to affect the Privileges of any Ship or Vessel which shall prior to the Commencement of this Act have been registered by virtue of an Act passed in the Sixth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for the registering of British Vessels*.

but not to affect Vessels registered under previous Act.

What Ships are entitled to be registered.

V. And be it further enacted, That no Ship or Vessel shall be registered, or having been registered shall be deemed to be duly registered, by virtue of this Act, except such as are wholly of the Built of the said United Kingdom, or of the *Isle of Man*, or of the Islands of *Guernsey* or *Jersey*, or of some of the Colonies, Plantations, Islands, or Territories in *Asia, Africa, or America*, or of *Malta, Gibraltar, or Heligoland*, which belong to His Majesty, His Heirs or Successors, at the Time of the building of such Ships or Vessels, or such Ships or Vessels as shall have been condemned in

in any Court of Admiralty as Prize of War, or such Ships or Vessels as shall have been condemned in any competent Court as forfeited for the Breach of the Laws made for the Prevention of the Slave Trade, and which shall wholly belong and continue wholly to belong to His Majesty's Subjects duly entitled to be Owners of Ships or Vessels registered by virtue of this Act.

VI. And be it further enacted, That no *Mediterranean Pass* shall be issued for the Use of any Ship, as being a Ship belonging to *Malta* or *Gibraltar*, except such as be duly registered at those Places respectively, or such as, not being entitled to be so registered, shall have wholly belonged, before the Tenth Day of *October* One thousand eight hundred and twenty-seven, and shall have continued wholly to belong, to Persons actually residing at those Places respectively, as Inhabitants thereof, and entitled to be Owners of *British* Ships there registered, or who, not being so entitled, shall have so resided upwards of Fifteen Years prior to the said Tenth Day of *October* One thousand eight hundred and twenty-seven.

Mediterranean Pass may be issued at *Malta* or *Gibraltar* for certain Ships only.

VII. And be it further enacted, That no Ship or Vessel shall continue to enjoy the Privileges of a *British* Ship after the same shall have been repaired in a Foreign Country, if such Repairs shall exceed the Sum of Twenty Shillings for every Ton of the Burthen of the said Ship or Vessel, unless such Repairs shall have been necessary by reason of extraordinary Damage sustained by such Ship or Vessel during her Absence from His Majesty's Dominions, to enable her to perform the Voyage in which she shall have been engaged, and to return to some Port or Place in the said Dominions; and whenever any Ship or Vessel which has been so repaired in a Foreign Country shall arrive at any Port in His Majesty's Dominions as a *British*-registered Ship or Vessel, the Master or other Person having the Command or Charge of the same shall, upon the first Entry thereof, report to the Collector and Controller of His Majesty's Customs at such Port that such Ship or Vessel has been so repaired, under Penalty of Twenty Shillings for every Ton of the Burthen of such Ship or Vessel, according to the Admeasurement thereof; and if it shall be proved to the Satisfaction of the Commissioners of His Majesty's Customs that such Ship or Vessel was seaworthy at the Time when she last departed from any Port or Place in His Majesty's Dominions, and that no greater Quantity of such Repairs have been done to the said Vessel than was necessary as aforesaid, it shall be lawful for the said Commissioners, upon a full Consideration of all the Circumstances, to direct the Collector and Controller of the Port where such Ship or Vessel shall have arrived, or where she shall then be, to certify on the Certificate of the Registry of such Ship or Vessel that it has been proved to the Satisfaction of the Commissioners of His Majesty's Customs that the Privileges of the said Ship or Vessel have not been forfeited, notwithstanding the Repairs which have been done to the same in a Foreign Country.

Foreign Repairs not to exceed 20s. per Ton.

The Master on Arrival to report such Repairs.

Necessity of such Repairs to be proved to Commissioners of Customs.

VIII. And be it further enacted, That if any Ship or Vessel registered under the Authority of this or any other Act shall be deemed or declared to be stranded or unseaworthy, and incapable of being recovered, or repaired to the Advantage of the Owners thereof, and shall for such Reasons be sold by Order or Decree of any competent Court for the Benefit of the Owners of such Ship

Ships declared unseaworthy to be deemed Ships lost or broken up.

or Vessel or other Persons interested therein, the same shall be taken and deemed to be a Ship or Vessel lost or broken up to all Intents and Purposes within the Meaning of this Act, and shall never again be entitled to the Privileges of a *British*-built Ship for any Purposes of Trade or Navigation.

British Ships captured not to be again entitled to Registry; but Ships condemned in Courts of Admiralty may be registered.

IX. And be it further enacted, That no *British* Ship or Vessel which has been or shall hereafter be captured by and become Prize to an Enemy or sold to Foreigners shall again be entitled to the Privileges of a *British* Ship: Provided always, that nothing contained in this Act shall extend to prevent the registering of any Ship or Vessel whatever which shall afterwards be condemned in any Court of Admiralty as Prize of War, or in any competent Court, for Breach of Laws made for the Prevention of the Slave Trade.

Ships shall be registered at the Port to which they belong.

X. And be it further enacted, That no such Registry shall hereafter be made, or Certificate thereof granted, by any Person or Persons herein-before authorized to make such Registry and grant such Certificate, in any other Port or Place than the Port or Place to which such Ship or Vessel shall properly belong, except so far as relates to such Ships or Vessels as shall be condemned as Prizes in any of the Islands of *Guernsey*, *Jersey*, or *Man*, which Ships or Vessels shall be registered in manner herein-after directed; but that all and every Registry and Certificate made and granted in any Port or Place to which any such Ship or Vessel does not properly belong shall be utterly null and void to all Intents and Purposes, unless the Officers aforesaid shall be specially authorized and empowered to make such Registry and grant such Certificate in any other Port by an Order in Writing under the Hands of the Commissioners of His Majesty's Customs, which Order the said Commissioners are hereby authorized and empowered to issue if they shall see fit; and at every Port where Registry shall be made in pursuance of this Act a Book shall be kept by the Collector and Controller, in which all the Particulars contained in the Form of the Certificate of the Registry herein-before directed to be used shall be duly entered; and every Registry shall be numbered in progression, beginning such progressive Numeration at the Commencement of each and every Year; and such Collector and Controller shall forthwith, or within One Month at the farthest, transmit to the Commissioners of His Majesty's Customs a true and exact Copy, together with the Number, of every Certificate which shall be by them so granted.

Commissioners of Customs may permit Registry at other Ports.

Book of Registers to be kept, and Accounts to be transmitted to Commissioners.

XI. And be it further enacted, That every Ship or Vessel shall be deemed to belong to some Port at or near to which some or one of the Owners, who shall make and subscribe the Declaration required by this Act before Registry be made, shall reside; and whenever such Owner or Owners shall have transferred all his or their Share or Shares in such Ship or Vessel, the same shall be registered *de novo* before such Ship or Vessel shall sail or depart from the Port to which she shall then belong, or from any other Port which shall be in the same Part of the United Kingdom, or the same Colony, Plantation, Island, or Territory as the said Port shall be in: Provided always, that if the Owner or Owners of such Ship or Vessel cannot in sufficient Time comply with the Requisites of this Act, so that Registry may be made before it shall be necessary

Port to which Vessels shall be deemed to belong.

Change of subscribing Owners to require Registry *de novo*.

If Registry *de novo* cannot be made, Ship may go one Voyage

necessary for such Ship or Vessel to sail or depart upon another Voyage, it shall be lawful for the Collector and Controller of the Port where such Ship or Vessel may then be to certify upon the Back of the existing Certificate of Registry of such Ship or Vessel, that the same is to remain in force for the Voyage upon which the said Ship or Vessel is then about to sail or depart: Provided also, that if any Ship or Vessel shall be built in any of the Colonies, Plantations, Islands, or Territories in *Asia*, *Africa*, or *America*, to His Majesty belonging, for Owners residing in the United Kingdom, and the Master of such Ship or Vessel, or the Agent for the Owner or Owners thereof, shall have produced to the Collector and Controller of the Port at or near to which such Ship or Vessel was built the Certificate of the Builder required by this Act, and shall have made and subscribed a Declaration before such Collector and Controller of the Names and Descriptions of the principal Owners of such Ship or Vessel, and that she is the identical Ship or Vessel mentioned in such Certificate of the Builder, and that no Foreigner, to the best of his Knowledge and Belief, has any Interest therein; the Collector and Controller of such Port shall cause such Ship or Vessel to be surveyed and measured in like Manner as is directed for the Purpose of registering any Ship or Vessel, and shall give the Master of such Ship or Vessel a Certificate under their Hands and Seals, purporting to be under the Authority of this Act, and stating when and where and by whom such Ship or Vessel was built, the Description, Tonnage, and other Particulars required on Registry of any Ship or Vessel, and such Certificate shall have all the force and virtue of a Certificate of Registry under this Act, during the Term of Two Years, unless such Ship shall sooner arrive at some Place in the United Kingdom; and such Collector and Controller shall transmit a Copy of such Certificate to the Commissioners of His Majesty's Customs.

XII. And be it further enacted, That no Person who has taken the Oath of Allegiance to any Foreign State, except under the Terms of some Capitulation, unless he shall afterwards become a Denizen or naturalized Subject of the United Kingdom by His Majesty's Letters Patent or by Act of Parliament, nor any Person usually residing in any Country not under the Dominion of His Majesty, His Heirs and Successors, unless he be a Member of some *British* Factory, or Agent for or Partner in any House or Copartnership actually carrying on Trade in *Great Britain* or *Ireland*, shall be entitled to be the Owner, in whole or in part, directly or indirectly, of any Ship or Vessel required and authorized to be registered by virtue of this Act; save and except that it shall be lawful for any Person who was a Member of the Company of Merchants trading to the *Levant* Seas at the Time of its Dissolution, and who was a Resident at any of the Factories of the said Company, to continue to hold any Share or Shares in any *British*-registered Ship of which at the Time of such Residence he was an Owner or Part Owner, although such Person shall continue to reside at any of the Places where such Factories had existed prior to the Dissolution of the said Company.

XIII. And be it further enacted, That no Registry shall henceforth be made or Certificate granted until the following Declaration be made and subscribed, before the Person or Persons herein-before authorized

with Permission indorsed on Certificate of Registry.

Ships built in Foreign Possessions, for Owners resident in United Kingdom, may have a Certificate from the Collector, &c. to trade for Two Years or until Arrival in United Kingdom.

Persons residing in Foreign Countries may not be Owners, unless Members of British Factories, or Agents for or Partners in British Houses, or Member of Merchants trading to *Levant* Seas.

Declaration to be made by subscribing Owners previous to Registry.

authorized to make such Registry and grant such Certificate respectively, by the Owner of such Ship or Vessel if such Ship or Vessel is owned by or belongs to One Person only, or in case there shall be Two joint Owners, then by both of such joint Owners if both shall be resident within Twenty Miles of the Port or Place where such Registry is required, or by One of such Owners if One or both of them shall be resident at a greater Distance from such Port or Place; or if the Number of such Owners or Proprietors shall exceed Two, then by the greater Part of the Number of such Owners or Proprietors if the greater Number of them shall be resident within Twenty Miles of such Port or Place as aforesaid, not in any Case exceeding Three of such Owners or Proprietors, unless a greater Number shall be desirous to join in making and subscribing the said Declaration, or by One of such Owners if all, or all except One, shall be resident at a greater Distance:

Proportion of
Owners who
shall subscribe
and take the
Declaration.

Form of De-
claration.

‘ I *A.B.* of [*Place of Residence and Occupation*] do truly declare,
That the Ship or Vessel [*Name*] [*of Port or Place*], whereof
[*Master's Name*] is at present Master, being [*Kind of Built,*
Burthen, et cetera, as described in the Certificate of the surveying
Officer], was [*when and where built, or if prize or forfeited, Capture*
and Condemnation as such], and that I the said *A.B.* [*and the other*
Owners Names and Occupations, if any, and where they respectively
reside, videlicet, Town, Place, or Parish, and County, or if Member
of and resident in any Factory in Foreign Parts, or in any Foreign
Town or City, being an Agent for or Partner in any House or
Copartnership actually carrying on Trade in Great Britain or
Ireland, the Name of such Factory, Foreign Town, or City, and the
Names of such House or Copartnership] am [*or are*] sole Owner
[*or Owners*] of the said Vessel, and that no other Person or Per-
sons whatever hath or have any Right, Title, Interest, Share, or
Property therein or thereto; and that I the said *A.B.* [*and the*
said other Owners, if any] am [*or are*] truly and *bonâ fide* a Sub-
ject [*or Subjects*] of *Great Britain*; and that I the said *A.B.* have
not [*nor have any of the other Owners, to the best of my Know-*
ledge and Belief] taken the Oath of Allegiance to any Foreign
State whatever [*except under the Terms of some Capitulation, de-*
scribing the Particulars thereof], or that since my taking [*or his or*
their taking] the Oath of Allegiance to [*naming the Foreign States*
respectively to which he or any of the said Owners shall have taken
the same] I have [*or he or they hath or have*] become a Denizen
[*or Denizens, or naturalized Subject or Subjects, as the Case may*
be] of the United Kingdom of *Great Britain and Ireland* by His
Majesty's Letters Patent or by an Act of Parliament [*naming the*
Times when such Letters of Denization have been granted respec-
tively, or the Year or Years in which such Act or Acts for Naturali-
zation have passed respectively]; and that no Foreigner, directly
or indirectly, hath any Share or Part Interest in the said Ship or
Vessel.’

Provided always, that if it shall become necessary to register any Ship or Vessel belonging to any Corporate Body in the United Kingdom, the following Declaration, in lieu of the Declaration herein-before directed, shall be taken and subscribed by the Secretary or other proper Officer of such Corporate Body; (that is to say,)

‘ I *A.B.*

‘ I *A.B. Secretary or Officer* of [*Name of Company or Corporation*]
 ‘ do truly declare, That the Ship or Vessel [*Name*] of [*Port*]
 ‘ whereof [*Master's Name*] is at present Master, being [*Kind of*
 ‘ *Built, Burthen, et cætera, as described in the Certificate of the*
 ‘ *surveying Officer*], was [*when and where built, or, if prize or for-*
 ‘ *feited, Capture and Condemnation as such*], and that the same doth
 ‘ wholly and truly belong to [*Name of Company or Corporation*].’

XIV. And be it further enacted, That in case the required Number of joint Owners or Proprietors of any Ship or Vessel shall not personally attend to make and subscribe the Declaration herein-before directed to be made and subscribed, then and in such Case such Owner or Owners, Proprietor or Proprietors as shall personally attend and make and subscribe the Declaration aforesaid, shall further declare that the Part Owner or Part Owners of such Ship or Vessel then absent is or are not resident within Twenty Miles of such Port or Place, and hath or have not, to the best of his or their Knowledge or Belief, wilfully absented himself or themselves in order to avoid the making the Declaration herein-before directed to be made and subscribed, or is or are prevented by Illness from attending to make and subscribe the said Declaration.

Addition to Declaration in case the required Number of Owners do not attend.

XV. And in order to enable the Collector and Controller of His Majesty's Customs to grant a Certificate truly and accurately describing every Ship or Vessel to be registered in pursuance of this Act, and also to enable all other Officers of His Majesty's Customs, on due Examination, to discover whether any such Ship or Vessel is the same with that for which a Certificate is alleged to have been granted; be it enacted, That previous to the registering or granting of any Certificate of Registry as aforesaid some One or more Person or Persons appointed by the Commissioners of His Majesty's Customs (taking to his or their Assistance, if he or they shall judge it necessary, One or more Person or Persons skilled in the building and Admeasurement of Ships,) shall go on board of every such Ship or Vessel as is to be registered, and shall strictly and accurately examine and admeasure every such Ship or Vessel as to all and every Particular contained in the Form of the Certificate herein-before directed, in the Presence of the Master, or of any other Person who shall be appointed for that Purpose on the Part of the Owner or Owners, or in his or their Absence by the said Master; and shall deliver a true and just Account in Writing of all such Particulars of the Built, Description, and Admeasurement of every such Ship or Vessel as are specified in the Form of the Certificate above recited to the Collector and Controller authorized as aforesaid to make such Registry and grant such Certificate of Registry; and the said Master or other Person attending on the Part of the Owner or Owners is hereby required to sign his Name also to the Certificate of such surveying or examining Officer, in Testimony of the Truth thereof, provided such Master or other Person shall consent and agree to the several Particulars set forth and described therein.

Vessels to be surveyed previous to Registry.

Certificate of Survey to be given;

Owner or Master concurring therein.

XVI. And be it further enacted, That for the Purpose of ascertaining the Tonnage of Ships or Vessels the Rule for Admeasurement shall be as follows; (that is to say,) the Length shall be taken on a straight Line along the Rabbet of the Keel, from the Back of the Main Stern-post to a perpendicular Line from the fore Part of the Main Stem under the Bowspit, from which subtracting Three Fifts

Mode of Admeasurement to ascertain Tonnage.

Port; but if such Master or other Person who had the Command thereof at the Time of such Purchase or Transfer of Property at Sea shall not arrive at a Foreign Port, but shall arrive at some Port of *Great Britain*, or of the Islands of *Guernsey*, *Jersey*, or *Man*, or of His Majesty's said Colonies, Plantations, Islands, or Territories, then that the Certificate shall be delivered up, in manner aforesaid, within Fourteen Days after the Arrival of such Ship or Vessel, or of the Person who had the Command thereof, in any Port of *Great Britain*, or of the Islands of *Guernsey*, *Jersey*, or *Man*, or of any of His Majesty's said Colonies, Plantations, Islands, or Territories: Provided always, that if it shall happen that at the Time of Registry of any Ship or Vessel the same shall be at any other Port than the Port to which she belongs, so that the Master of such Ship or Vessel cannot attend at the Port of Registry to join with the Owner or Owners in such Bond as aforesaid, it shall be lawful for him to give a separate Bond, to the like Effect, at the Port where such Ship or Vessel may then be, and the Collector and Controller of such other Port shall transmit such Bond to the Collector and Controller of the Port where such Ship or Vessel is to be registered, and such Bond, and the Bond also given by the Owner or Owners, shall together be of the same Effect against the Master and Owner or Owners, or either of them, as if they had bound themselves jointly and severally in One Bond.

If Ship at the Time of Registry be at any other Port than that of Registry, the Master may there give Bond.

When Master is changed new Master to give similar Bond, and his Name to be indorsed on Certificate of Registry.

XXI. And be it further enacted, That when and so often as the Master or other Person having or taking the Charge or Command of any Ship or Vessel registered in manner herein-before directed shall be changed, the Master or Owner of such Ship or Vessel shall deliver to the Person or Persons herein-before authorized to make such Registry and grant such Certificates of Registry at the Port where such Change shall take place the Certificate of Registry belonging to such Ship or Vessel, who shall thereupon indorse and subscribe a Memorandum of such Change, and shall forthwith give Notice of the same to the proper Officer of the Port or Place where such Ship or Vessel was last registered pursuant to this Act, who shall likewise make a Memorandum of the same in the Book of Registers which is hereby directed and required to be kept, and shall forthwith give Notice thereof to the Commissioners of His Majesty's Customs: Provided always, that before the Name of such new Master shall be indorsed on the Certificate of Registry he shall be required to give and shall give a Bond in the like Penalties and under the same Conditions as are contained in the Bond herein-before required to be given at the Time of Registry of any Ship or Vessel.

Bonds liable to same Duties of Stamps as Bonds for Customs.

XXII. And be it further enacted, That all Bonds required by this Act shall be liable to the same Duties of Stamps as Bonds given for or in respect of the Duties of Customs are or shall be liable to under any Act for the Time being in force for granting Duties of Stamps.

Certificate of Registry to be given up by all Persons as directed by the Bond.

XXIII. And be it further enacted, That if any Person whatever shall at any Time have possession of and wilfully detain any Certificate of Registry granted under this or any other Act, which ought to be delivered up to be cancelled according to any of the Conditions of the Bond herein-before required to be given upon the Registry of any Ship or Vessel, such Person is hereby required and enjoined

enjoined to deliver up such Certificate of Registry in manner directed by the Conditions of such Bond in the respective Cases and under the respective Penalties therein provided.

XXIV. And be it further enacted, That it shall not be lawful for any Owner or Owners of any Ship or Vessel to give any Name to such Ship or Vessel other than that by which she was first registered in pursuance of this or any other Act; and that the Owner or Owners of all and every Ship or Vessel which shall be so registered shall, before such Ship or Vessel, after such Registry, shall begin to take in any Cargo, paint or cause to be painted, in White or Yellow Letters, of a Length of not less than Four Inches, upon a Black Ground on some conspicuous Part of the Stern, the Name by which such Ship or Vessel shall have been registered pursuant to this Act, and the Port to which she belongs, in a distinct and legible Manner, and shall so keep and preserve the same; and that if such Owner or Owners or Master or other Person having or taking the Charge or Command of such Ship or Vessel shall permit such Ship or Vessel to begin to take in any Cargo before the Name of such Ship or Vessel has been so painted as aforesaid, or shall wilfully alter, erase, obliterate, or in anywise hide or conceal, or cause or procure or permit the same to be done (unless in the Case of square-rigged Vessels in Time of War), or shall in any written or printed Paper, or other Document, describe such Ship or Vessel by any Name other than that by which she was first registered pursuant to this Act, or shall verbally describe, or cause or procure or permit such Ship or Vessel to be described, by any other Name to any Officer or Officers of His Majesty's Revenue in the due Execution of his or their Duty, then and in every such Case such Owner or Owners or Master or other Person having or taking the Charge or Command of such Ship or Vessel shall forfeit the Sum of One hundred Pounds.

XXV. And be it further enacted, That all and every Person and Persons who shall apply for a Certificate of the Registry of any Ship or Vessel shall and they are hereby required to produce to the Person or Persons authorized to grant such Certificate a true and full Account, under the Hand of the Builder of such Ship or Vessel, of the proper Denomination, and of the Time when and the Place where such Ship or Vessel was built, and also an exact Account of the Tonnage of such Ship or Vessel, together with the Name of the first Purchaser or Purchasers thereof (which Account such Builder is hereby directed and required to give under his Hand on the same being demanded by such Person or Persons so applying for a Certificate as aforesaid), and shall also make and subscribe a Declaration before the Person or Persons herein-before authorized to grant such Certificate that the Ship or Vessel for which such Certificate is required is the same with that which is so described by the Builder as aforesaid.

XXVI. And be it further enacted, That if the Certificate of Registry of any Ship or Vessel shall be lost or mislaid, so that the same cannot be found or obtained for the Use of such Ship or Vessel when needful, and Proof thereof shall be made to the Satisfaction of the Commissioners of His Majesty's Customs, such Commissioners shall and may permit such Ship or Vessel to be registered *de novo*, and a Certificate thereof to be granted: Provided always,

Name of Vessel which has been registered never afterwards to be changed, and to be painted on the Stern.

Penalty for Omission, 100*l*.

Builder's Certificate of Particulars of Ship.

Declaration to be made thereto.

Certificate of Registry lost or mislaid; Commissioners may permit Registry *de novo*; or grant a Licence.

Bond respecting lost Certificate of Registry:

Condition.

Declaration to be made before Licence be granted.

Before Licence be granted Ship to be surveyed as if for Registry ;
and Registry may be made after Departure of the Ship ;

and Certificate transmitted to be exchanged for the Licence.

Persons detaining Certificate of Registry to forfeit 100*l*.

that if such Ship or Vessel be absent and far distant from the Port to which she belongs, or by reason of the Absence of the Owner or Owners, or of any other Impediment, Registry of the same cannot then be made in sufficient Time, such Commissioners shall and may grant a Licence for the present Use of such Ship or Vessel, which Licence shall, for the Time and to the Extent specified therein, and no longer, be of the same force and virtue as a Certificate of Registry granted under this Act : Provided always, that before such Registry *de novo* be made the Owner or Owners and Masters shall give Bond to the Commissioners aforesaid in such Sum as to them shall seem fit, with a Condition that if the Certificate of Registry shall at any Time afterwards be found the same shall be forthwith delivered to the proper Officers of His Majesty's Customs to be cancelled, and that no illegal Use has been or shall be made thereof with his or their Privy or Knowledge ; and further, that before any such Licence shall be granted as aforesaid the Master of such Ship or Vessel shall also make and subscribe a Declaration that the same has been registered as a *British* Ship, naming the Port where and the Time when such Registry was made, and all the Particulars contained in the Certificate thereof, to the best of his Knowledge and Belief, and shall also give such Bond and with the same Condition as is before mentioned : Provided also, that before any such Licence shall be granted such Ship or Vessel shall be surveyed in like Manner as if a Registry *de novo* were about to be made thereof ; and the Certificate of such Survey shall be preserved by the Collector and Controller of the Port to which such Ship or Vessel shall belong ; and in virtue thereof it shall be lawful for the said Commissioners and they are hereby required to permit such Ship or Vessel to be registered after her Departure, whenever the Owner or Owners shall personally attend to take and subscribe the Declaration required by this Act before Registry be made, and shall also comply with all other Requisites of this Act, except so far as relates to the Bond to be given by the Master of such Ship or Vessel ; which Certificate of Registry the said Commissioners shall and may transmit to the Collector and Controller of any other Port, to be by them given to the Master of such Ship or Vessel, upon his giving such Bond, and delivering up the Licence which had been granted for the then present Use of such Ship or Vessel.

XXVII. ' And whereas it is not proper that any Person under ' any Pretence whatever should detain the Certificate of Registry ' of any Ship or Vessel, or hold the same for any Purpose other ' than the lawful Use and Navigation of the Ship or Vessel for ' which it was granted ;' be it therefore enacted, That in case any Person who shall have received or obtained by any Means or for any Purpose whatever the Certificate of the Registry of any Ship or Vessel (whether such Person shall claim to be the Master or to be the Owner or one of the Owners of such Ship or Vessel, or not,) shall wilfully detain and refuse to deliver up the same to the proper Officers of His Majesty's Customs, for the Purposes of such Ship or Vessel, as Occasion shall require, or to the Person or Persons having the actual Command, Possession, and Management of such Ship or Vessel as the ostensible and reputed Master, or as the ostensible and reputed Owner or Owners thereof, it may and shall be lawful

lawful to and for any such last-mentioned Person to make Complaint on Oath of such Detainer and Refusal to any Justice of the Peace residing near to the Place where such Detainer and Refusal shall be in *Great Britain* or *Ireland*, or to any Member of the Supreme Court of Justice or any Justice of the Peace in the Islands of *Jersey*, *Guernsey*, or *Man*, or in any Colony, Plantation, Island, or Territory to His Majesty belonging in *Asia*, *Africa*, or *America*, or in *Malta*, *Gibraltar*, or *Heligoland*, where such Detainer and Refusal shall be in any of the Places last mentioned; and on such Complaint the said Justice or other Magistrate shall and is hereby required, by Warrant under his Hand and Seal, to cause the Person so complained against to be brought before him to be examined touching such Detainer and Refusal; and if it shall appear to the said Justice or other Magistrate, on Examination of such Person or otherwise, that the said Certificate of Registry is not lost or mislaid, but is wilfully detained by the said Person, such Person shall be thereof convicted, and shall forfeit and pay the Sum of One hundred Pounds, and on failure of Payment thereof he shall be committed to the Common Gaol, there to remain without Bail or Mainprize for such Time as the said Justice or other Magistrate shall in his Discretion deem proper, not being less than Three Months nor more than Twelve Months; and the said Justice or other Magistrate shall and he is hereby required to certify the aforesaid Detainer, Refusal, and Conviction to the Person or Persons who granted such Certificate of Registry for such Ship or Vessel, who shall, on the Terms and Conditions of Law being complied with, make Registry of such Ship or Vessel *de novo*, and grant a Certificate thereof conformably to Law, notifying on the Back of such Certificate the Ground upon which the Ship or Vessel was so registered *de novo*; and if the Person who shall have detained and refused to deliver up such Certificate of Registry as aforesaid, or shall be verily believed to have detained the same, shall have absconded, so that the said Warrant of the Justice or other Magistrate cannot be executed upon him, and Proof thereof shall be made to the Satisfaction of the Commissioners of His Majesty's Customs, it shall be lawful for the said Commissioners to permit such Ship or Vessel to be registered *de novo*, or otherwise, in their Discretion, to grant a Licence for the present Use of such Ship or Vessel in like Manner as is herein-before provided in the Case wherein the Certificate of Registry is lost or mislaid.

XXVIII. And be it further enacted, That if any Ship or Vessel, after she shall have been registered pursuant to the Directions of this Act, shall in any Manner whatever be altered so as not to correspond with all the Particulars contained in the Certificate of her Registry, in such Case such Ship or Vessel shall be registered *de novo*, in manner herein-before required, as soon as she returns to the Port to which she belongs, or to any other Port which shall be in the same Part of the United Kingdom, or in the same Colony, Plantation, Island, or Territory, as the said Port shall be in, on Failure whereof such Ship or Vessel shall to all Intents and Purposes be considered and deemed and taken to be a Ship or Vessel not duly registered.

XXIX. And be it further enacted, That the Owner or Owners of all such Ships and Vessels as shall be taken by any of His Majesty's

Justice to certify Detainer, and Ship to be registered *de novo*.

If Person detaining Certificate have absconded, Ship may be registered as in case of lost Certificate.

Ship altered in certain Manner to be registered *de novo*.

Vessels condemned as Prize, or for

Breach of Laws
against Slave
Trade, Certifi-
cate of Condem-
nation to be
produced.

Majesty's Ships or Vessels of War, or by any private or other Ship or Vessel, and condemned as lawful Prize in any Court of Admiralty, or of such Ships or Vessels as shall be condemned in any competent Court as forfeited for Breach of the Laws for the Prevention of the Slave Trade, shall, for the Purpose of registering any such Ship or Vessel, produce to the Collector and Controller of His Majesty's Customs a Certificate of the Condemnation of such Ship or Vessel, under the Hand and Seal of the Judge of the Court in which such Ship or Vessel shall have been condemned (which Certificate such Judge is hereby authorized and required to grant), and also a true and exact Account in Writing of all the Particulars contained in the Certificate herein-before set forth, to be made and subscribed by One or more skilful Person or Persons to be appointed by the Court then and there to survey such Ship or Vessel, and shall also make and subscribe a Declaration before the Collector and Controller that such Ship or Vessel is the same Vessel which is mentioned in the Certificate of the Judge aforesaid.

Prize Vessels
not to be regis-
tered at Guern-
sey, Jersey, or
Man; but at
certain Ports.

XXX. Provided always, and be it further enacted, That no Ship or Vessel which shall be taken and condemned as Prize or Forfeiture as aforesaid shall be registered in the Islands of *Guernsey*, *Jersey*, or *Man*, although belonging to His Majesty's Subjects residing in those Islands, or in some one or other of them; but the same shall be registered either at *Southampton*, *Weymouth*, *Exeter*, *Plymouth*, *Falmouth*, *Liverpool*, or *Whitehaven*, by the Collector and Controller at such Ports respectively, who are hereby authorized and required to register such Ship or Vessel, and to grant a Certificate thereof in the Form and under the Regulations and Restrictions in this Act contained.

Transfers of
Interest to be
made by Bill of
Sale;

XXXI. And be it further enacted, That when and so often as the Property in any Ship or Vessel, or any Part thereof, belonging to any of His Majesty's Subjects, shall, after Registry thereof, be sold to any other or others of His Majesty's Subjects, the same shall be transferred by Bill of Sale or other Instrument in Writing, containing a Recital of the Certificate of Registry of such Ship or Vessel, or the principal Contents thereof, otherwise such Transfer shall not be valid or effectual for any Purpose whatever, either in Law or in Equity: Provided always, that no Bill of Sale shall be deemed void by reason of any Error in such Recital, or by the Recital of any former Certificate of Registry instead of the existing Certificate, provided the Identity of the Ship or Vessel intended in the Recital be effectually proved thereby.

reciting Certifi-
cate of Registry.

Bill of Sale not
void by unim-
portant Error
of Recital, &c.

Property in
Ships to be
divided into
Sixty-four Parts
or Shares.

XXXII. And be it further enacted, That the Property in every Ship or Vessel of which there are more than One Owner shall be taken and considered to be divided into Sixty-four equal Parts or Shares, and the Proportion held by each Owner shall be described in the Registry as being a certain Number of Sixty-fourth Parts or Shares; and that no Person shall be entitled to be registered as an Owner of any Ship or Vessel in respect of any Proportion of such Ship or Vessel which shall not be an integral Sixty-fourth Part or Share of the same; and upon the first Registry of any Ship or Vessel the Owner or Owners who shall take and subscribe the Declaration required by this Act before Registry be made shall also declare the Number of such Parts or Shares then held by each Owner, and the same shall be so registered accordingly: Provided

Declaration
upon first Re-
gistry to state
the Number of
such Shares
held by each
Owner.

always,

always, that if it shall at any Time happen that the Property of any Owner or Owners in any Ship or Vessel cannot be reduced by Division into any Number of integral Sixty-fourth Parts or Shares, it shall and may be lawful for the Owner or Owners of such fractional Parts as shall be over and above such Number of integral Sixty-fourth Parts or Shares into which such Property in any Ship or Vessel can be reduced by Division to transfer the same one to another, or jointly to any new Owner, by Memorandum upon their respective Bills of Sale, or by fresh Bill of Sale, without such Transfer being liable to any Stamp Duty: Provided also, that the Right of any Owner or Owners to any such fractional Parts shall not be affected by reason of the same not having been registered: Provided also, that it shall be lawful for any Number of such Owners, named and described in such Registry, being Partners in any House or Copartnership actually carrying on Trade in any Part of His Majesty's Dominions, to hold any Ship or Vessel, or any Share or Shares of any Ship or Vessel, in the Name of such House or Copartnership, as joint Owners thereof, without distinguishing the proportionate Interest of each of such Owners, and that such Ship or Vessel or the Share or Shares thereof so held in Copartnership shall be deemed and taken to be Partnership Property to all Intents and Purposes, and shall be governed by the same Rules, both in Law and Equity, as relate to and govern all other Partnership Property in any other Goods, Chattels, and Effects whatsoever.

Smaller Portions may be conveyed without Stamp.

Partners may hold Ships or Shares without distinguishing proportionate Interest of each Owner.

XXXIII. And be it further enacted, That no greater Number than Thirty-two Persons shall be entitled to be legal Owners at one and the same Time of any Ship or Vessel, as Tenants in Common, or to be registered as such: Provided always, that nothing herein contained shall affect the equitable Title of Minors, Heirs, Legatees, Creditors, or others, exceeding that Number, duly represented by or holding from any of the Persons within the said Number, registered as legal Owners of any Share or Shares of such Ship or Vessel: Provided also, that if it shall be proved to the Satisfaction of the Commissioners of His Majesty's Customs that any Number of Persons have associated themselves as a Joint Stock Company, for the Purpose of owning any Ship or Vessel, or any Number of Ships or Vessels, as the joint Property of such Company, and that such Company have duly elected or appointed any Number, not less than Three, of the Members of the same to be Trustees of the Property in such Ship or Vessel or Ships or Vessels so owned by such Company, it shall be lawful for such Trustees or any Three of them, with the Permission of such Commissioners, to make and subscribe the Declaration required by this Act before Registry be made, except that instead of stating therein the Names and Descriptions of the other Owners, they shall state the Name and Description of the Company to which such Ship or Vessel or Ships or Vessels shall in such Manner belong.

Only Thirty-two Persons to be Owners of any Ship at One Time.
Not to affect the equitable Title of Heirs, &c.

Joint Stock Companies.

Trustees may apply to have Registry made.

XXXIV. And be it further enacted, That no Bill of Sale or other Instrument in Writing shall be valid and effectual to pass the Property in any Ship or Vessel, or in any Share thereof, or for any other Purpose, until such Bill of Sale or other Instrument in Writing shall have been produced to the Collector and Controller of the Port at which such Ship or Vessel is already registered, or

Bills of Sale not effectual until produced to Officers of Customs, and entered in the Book of Registry or of intended Registry.

to the Collector and Controller of any other Port at which she is about to be registered *de novo*, as the Case may be, nor until such Collector and Controller respectively shall have entered in the Book of such last Registry, in the one Case, or in the Book of such Registry *de novo*, after all the Requisites of Law for such Registry *de novo* shall have been duly complied with, in the other Case, (and which they are respectively hereby required to do upon the Production of the Bill of Sale or other Instrument for that Purpose,) the Name, Residence, and Description of the Vendor or Mortgagor, or of each Vendor or Mortgagor, if more than One, the Number of Shares transferred, the Name, Residence, and Description of the Purchaser or Mortgagee, or of each Purchaser or Mortgagee, if more than One, and the Date of the Bill of Sale or other Instrument, and of the Production of it; and further, if such Ship or Vessel is not about to be registered *de novo*, the Collector and Controller of the Port where such Ship is registered shall and they are hereby required to indorse the aforesaid Particulars of such Bill of Sale or other Instrument on the Certificate of Registry of the said Ship or Vessel, when the same shall be produced to them for that Purpose, in manner and to the Effect following; *videlicet*,

Form of
Indorsement.

‘ Custom House [*Port and Date* ; *Name, Residence, and Description of Vendor or Mortgagor*] has transferred by [*Bill of Sale or other Instrument*] dated [*Date, Number of Shares*] to [*Name, Residence, and Description of Purchaser or Mortgagee.*]

‘ A. B. Collector.

‘ C. D. Controller.’

Notice to
Commissioners.

And forthwith to give Notice thereof to the Commissioners of Customs; and in case the Collector and Controller shall be desired so to do, and the Bill of Sale or other Instrument shall be produced to them for that Purpose, then the said Collector and Controller are hereby required to certify, by Indorsement upon the Bill of Sale or other Instrument, that the Particulars before mentioned have been so entered in the Book of Registry, and indorsed upon the Certificate of Registry as aforesaid.

Entry of Bill
of Sale to be
valid, except in
certain Cases.

XXXV. And be it further enacted, That when and so soon as the Particulars of any Bill of Sale or other Instrument by which any Ship or Vessel, or any Share or Shares thereof, shall be transferred, shall have been so entered in the Book of Registry as aforesaid, the said Bill of Sale or other Instrument shall be valid and effectual to pass the Property thereby intended to be transferred as against all and every Person and Persons whatsoever, and to all Intents and Purposes, except as against such subsequent Purchasers and Mortgagees who shall first procure the Indorsement to be made upon the Certificate of Registry of such Ship or Vessel in manner herein-after mentioned.

When a Bill of Sale has been entered for any Shares, Thirty Days shall be allowed for indorsing the Certificate of Registry before any other Bill of Sale for the same shall be entered.

XXXVI. And be it further enacted, That when and after the Particulars of any Bill of Sale or other Instrument by which any Ship or Vessel, or any Share or Shares thereof, shall be transferred, shall have been so entered in the Book of Registry as aforesaid, the Collector and Controller shall not enter in the Book of Registry the Particulars of any other Bill of Sale or Instrument purporting to be a Transfer by the same Vendor or Mortgagor or Vendors or Mortgagors of the same Ship or Vessel, Share or Shares thereof, to any other Person or Persons, unless Thirty Days shall elapse from

from the Day on which the Particulars of the former Bill of Sale or other Instrument were entered in the Book of Registry; or in case the Ship or Vessel was absent from the Port to which she belonged at the Time when the Particulars of such former Bill of Sale or other Instrument were entered in the Book of Registry, then unless Thirty Days shall have elapsed from the Day on which the Ship or Vessel arrived at the Port to which the same belonged; and in case the Particulars of Two or more such Bills of Sale or other Instruments as aforesaid shall at any Time have been entered in the Book of Registry of the said Ship or Vessel, the Collector and Controller shall not enter in the Book of Registry the Particulars of any other Bill of Sale or other Instrument as aforesaid unless Thirty Days shall in like Manner have elapsed from the Day on which the Particulars of the last of such Bill of Sale or other Instrument were entered in the Books of Registry, or from the Day on which the Ship or Vessel arrived at the Port to which she belonged, in case of her Absence as aforesaid; and in every Case where there shall at any Time happen to be Two or more Transfers by the same Owner or Owners of the same Property in any Ship or Vessel entered in the Book of Registry as aforesaid, the Collector and Controller are hereby required to indorse upon the Certificate of Registry of such Ship or Vessel the Particulars of that Bill of Sale or other Instrument under which the Person or Persons claims or claim Property, who shall produce the Certificate of Registry for that Purpose within Thirty Days next after the Entry of his said Bill of Sale or other Instrument in the Book of Registry as aforesaid, or within Thirty Days next after the Return of the said Ship or Vessel to the Port to which she belongs, in case of her Absence at the Time of such Entry as aforesaid; and in case no Person or Persons shall produce the Certificate of Registry within either of the said Spaces of Thirty Days, then it shall be lawful for the Collector and Controller, and they are hereby required, to indorse upon the Certificate of Registry the Particulars of the Bill of Sale or other Instrument to such Person or Persons as shall first produce the Certificate of Registry for that Purpose, it being the true Intent and Meaning of this Act that the several Purchasers and Mortgagees of such Ship or Vessel, Share or Shares thereof, when more than One appear to claim the same Property, or to claim Security on the same Property, in the same Rank and Degree, shall have Priority one over the other, not according to the respective Times when the Particulars of the Bill of Sale or other Instrument by which such Property was transferred to them were entered in the Book of Registry as aforesaid, but according to the Time when the Indorsement is made upon the Certificate of Registry as aforesaid: Provided always, that if the Certificate of Registry shall be lost or mislaid, or shall be detained by any Person whatever, so that the Indorsement cannot in due Time be made thereon, and Proof thereof shall be made by the Purchaser or Mortgagee, or his known Agent, to the Satisfaction of the Commissioners of His Majesty's Customs, it shall be lawful for the said Commissioners to grant such further Time as to them shall appear necessary for the Recovery of the Certificate of Registry, or for the Registry *de novo* of the said Ship or Vessel under the Provisions of this Act, and thereupon the Collector and Controller

Nature of the
Priority intended
in this Act.

Provision in
case Certificate
be mislaid.

troller shall make a Memorandum in the Book of Registers of the further Time so granted, and during such Time no other Bill of Sale shall be entered for the Transfer of the same Ship or Vessel, or the same Share or Shares thereof, or for giving the same Security thereon.

Bills of Sale may be produced after Entry at other Ports than those to which Vessels belong, and Transfers indorsed on Certificate of Registry.

Previous Notice to be given to Officers at the Port of Registry.

XXXVII. And be it further enacted, That if the Certificate of Registry of such Ship or Vessel shall be produced to the Collector and Controller of any Port where she may then be, after any such Bill of Sale shall have been recorded at the Port to which she belongs, together with such Bill of Sale, containing a Notification of such Record, signed by the Collector and Controller of such Port as before directed, it shall be lawful for the Collector and Controller of such other Port to indorse on such Certificate of Registry (being required so to do) the Transfer mentioned in such Bill of Sale, and such Collector and Controller shall give Notice thereof to the Collector and Controller of the Port to which such Ship or Vessel belongs, who shall record the same in like Manner as if they had made such Indorsement themselves, but inserting the Name of the Port at which such Indorsement was made: Provided always, that the Collector and Controller of such other Port shall first give Notice to the Collector and Controller of the Port to which such Ship or Vessel belongs of such Requisition made to them to indorse the Certificate of Registry, and the Collector and Controller of the Port to which such Ship or Vessel belongs shall thereupon send Information to the Collector and Controller of such other Port, whether any and what other Bill or Bills of Sale have been recorded in the Book of the Registry of such Ship or Vessel; and the Collector and Controller of such other Port having such Information shall proceed in manner directed by this Act in all respects to the indorsing of the Certificate of Registry as they would do if such Port were the Port to which such Vessel belonged.

If upon Registry *de novo* any Bill of Sale shall not have been recorded, the same shall then be produced.

Bill of Sale previous to Registry may be recorded after Registry.

Upon Change of Property Registry *de novo* may be granted if desired, although not required by Law.

XXXVIII. And be it further enacted, That if it shall become necessary to register any Ship or Vessel *de novo*, and any Share or Shares of such Ship or Vessel shall have been sold since she was last registered, and the Transfer of such Share or Shares shall not have been recorded and indorsed in manner herein-before directed, the Bill of Sale thereof shall be produced to the Collector and Controller of His Majesty's Customs who are to make Registry of such Ship or Vessel, otherwise such Sale shall not be noticed in such Registry *de novo*, except as herein-after excepted: Provided always, that upon the future Production of such Bill of Sale, and of the existing Certificate of Registry, such Transfer shall and may be recorded and indorsed as well after such Registry *de novo* as before.

XXXIX. And be it further enacted, That if upon any Change of Property in any Ship or Vessel the Owner or Owners shall desire to have the same registered *de novo*, although not required by this Act, and the Owner or proper Number of Owners shall attend at the Custom House at the Port to which such Ship or Vessel belongs for that Purpose, it shall be lawful for the Collector and Controller of His Majesty's Customs at such Port to make Registry *de novo* of such Ship or Vessel at the same Port, and to grant a Certificate thereof, the several Requisites herein-before in this Act mentioned and directed being first duly observed and complied with,

XL. ' And whereas great Inconvenience hath arisen from the Registering Officers being served with Subpœnas requiring them to bring with them and produce, on Trials in Courts of Law relative to the Ownery of Vessels, or otherwise, the Oaths or Declarations required to be taken by the Owners thereof prior to the registering thereof, and the Books of Registry, or Copies or Extracts therefrom: And whereas it would tend much to the Dispatch of Business if the Attendance of such Registering Officers with the same upon such Trials were dispensed with; be it therefore enacted, That the Collector and Controller of His Majesty's Customs at any Port or Place, and the Person or Persons acting for them respectively, shall, upon every reasonable Request by any Person or Persons whomsoever, produce and exhibit for his, her, or their Inspection and Examination any Oath or Declaration sworn or made by any such Owner or Owners, Proprietor or Proprietors, and also any Register or Entry in any Book or Books of Registry required by this Act to be made or kept relative to any Ship or Vessel, and shall, upon every reasonable Request by any Person or Persons whomsoever, permit him, her, or them to take a Copy or Copies or an Extract or Extracts thereof respectively; and that the Copy and Copies of any such Oath or Declaration, Register or Entry, shall, upon being proved to be a true Copy or Copies thereof respectively, be allowed and received as Evidence upon every Trial at Law, without the Production of the Original or Originals, and without the Testimony or Attendance of any Collector or Controller, or other Person or Persons acting for them respectively, in all Cases, as fully and to all Intents and Purposes as such Original or Originals, if produced by any Collector or Collectors, Controller or Controllers, or other Person or Persons acting for them, could or might legally be admitted or received in Evidence.

Copies of Declarations, &c. and of Extracts from Books of Registry, admitted in Evidence.

XLI. And be it further enacted, That if the Ship or Vessel, or the Share or Shares of any Owner thereof who may be out of the Kingdom, shall be sold in his Absence by his known Agent or Correspondent, under his Directions either expressed or implied, and acting for his Interest in that Behalf, and such Agent or Correspondent who shall have executed a Bill of Sale to the Purchaser of the whole of such Ship or Vessel, or of any Share or Shares thereof, shall not have received a legal Power to execute the same, it shall be lawful for the Commissioners of His Majesty's Customs, upon Application made to them, and Proof to their Satisfaction of the fair Dealings of the Parties, to permit such Transfer to be registered, if Registry *de novo* be necessary, or to be recorded and indorsed, as the Case may be, in manner directed by this Act, as if such legal Power had been produced; and also if it shall happen that any Bill of Sale cannot be produced, or if, by reason of Distance of Time, or the Absence or Death of Parties concerned, it cannot be proved that a Bill of Sale for any Share or Shares in any Ship or Vessel had been executed, and Registry *de novo* of such Ship or Vessel shall have become necessary, it shall be lawful for the Commissioners of His Majesty's Customs, upon Proof to their Satisfaction of the fair Dealings of the Parties, to permit such Ship or Vessel to be registered *de novo* in like Manner as if a Bill of Sale for the Transfer of such Share or Shares had been produced:

Vessels or Shares sold in the Absence of Owners without formal Powers.

Commissioners may permit Record of such Sales of Registry *de novo* as the Case may require; and in other Cases where Bills of Sale cannot be produced;

Security being
given to pro-
duce legal Pow-
ers or abide
future Claims.

duced: Provided always, that in any of the Cases herein mentioned good and sufficient Security shall be given to produce a legal Power or Bill of Sale within a reasonable Time, or to abide the future Claims of the absent Owner, his Heirs and Successors, as the Case may be; and at the future Request of the Party whose Property has been so transferred, without the Production of a Bill of Sale from him or from his lawful Attorney, such Bond shall be available for the Protection of his Interest, in addition to any Powers or Rights which he may have in Law or Equity against the Ship or Vessel, or against the Parties concerned, until he shall have received full Indemnity for any Loss or Injury sustained by him.

Transfer by
way of
Mortgage.

XLII. And be it further enacted, That when any Transfer of any Ship or Vessel, or of any Share or Shares thereof, shall be made only as a Security for the Payment of a Debt or Debts, either by way of Mortgage, or of Assignment to a Trustee or Trustees for the Purpose of selling the same for the Payment of any Debt or Debts, then and in every such Case the Collector and Controller of the Port where the Ship or Vessel is registered shall, in the Entry in the Book of Registry, and also in the Indorsement on the Certificate of Registry, in manner herein-before directed, state and express that such Transfer was made only as a Security for the Payment of a Debt or Debts, or by way of Mortgage, or to that Effect; and the Person or Persons to whom such Transfer shall be made, or any other Person or Persons claiming under him or them as a Mortgagee or Mortgagees, or a Trustee or Trustees only, shall not by reason thereof be deemed to be the Owner or Owners of such Ship or Vessel, Share or Shares thereof, nor shall the Person or Persons making such Transfer be deemed by reason thereof to have ceased to be an Owner or Owners of such Ship or Vessel, any more than if no such Transfer had been made, except so far as may be necessary for the Purpose of rendering the Ship or Vessel, Share or Shares so transferred, available by Sale or otherwise for the Payment of the Debt or Debts for securing the Payment of which such Transfer shall have been made.

Mortgagee not
to be deemed an
Owner.

Transfers of
Ships for Secu-
rity of Debts
being registered,
Rights of Mort-
gagee not affect-
ed by any Act
of Bankruptcy
of Mortgagor,
&c.

XLIII. And be it further enacted, That when any Transfer of any Ship or Vessel, or of any Share or Shares thereof, shall have been made as a Security for the Payment of any Debt or Debts, either by way of Mortgage or of Assignment as aforesaid, and such Transfer shall have been duly registered according to the Provisions of this Act, the Right or Interest of the Mortgagee or other Assignee as aforesaid shall not be in any Manner affected by any Act or Acts of Bankruptcy committed by such Mortgagor or Assignor, Mortgagors or Assignors, after the Time when such Mortgage or Assignment shall have been so registered as aforesaid, notwithstanding such Mortgagor or Assignor, Mortgagors or Assignors, at the Time he or they shall so become bankrupt as aforesaid, shall have in his or their Possession, Order, and Disposition, and shall be the reputed Owner or Owners of the said Ship or Vessel, or the Share or Shares thereof, so by him or them mortgaged or assigned as aforesaid, but that such Mortgage or Assignment shall take place of and be preferred to any Right, Claim, or Interest which may belong to the Assignee or Assignees of such Bankrupt or Bankrupts in such Ship or Vessel, Share or Shares thereof, any Law or Statute to the contrary thereof notwithstanding.

XLIV. And be it further enacted, That it shall and may be lawful for any Governor, Lieutenant Governor, or Commander in Chief of any of His Majesty's Colonies, Plantations, Islands, or Territories, and they are hereby respectively authorized and required, if any Suit, Information, Libel, or other Prosecution or Proceeding of any Nature or Kind whatever shall have been commenced or shall hereafter be commenced in any Court whatever in any of the said Colonies, Plantations, Islands, or Territories respectively, touching the Force and Effect of any Register granted to any Ship or Vessel, upon a Representation made to any such Governor, Lieutenant Governor, or Commander in Chief, to cause all Proceedings thereon to be stayed, if he shall see just Cause so to do, until His Majesty's Pleasure shall be known and certified to him by His Majesty, by and with the Advice of His Majesty's Privy Council; and such Governor, Lieutenant Governor, or Commander in Chief is hereby required to transmit to One of His Majesty's Principal Secretaries of State, to be laid before His Majesty in Council, an authenticated Copy of the Proceedings in every such Case, together with his Reasons for causing the same to be stayed, and such Documents (properly verified) as he may judge necessary for the Information of His Majesty.

Governors of Colonies, &c. may cause Proceedings in Suits to be stayed.

XLV. And be it further enacted, That if any Person or Persons shall falsely make Declaration to any of the Matters herein-before required to be verified by Declaration, or if any Person or Persons shall counterfeit, erase, alter, or falsify any Certificate or other Instrument in Writing required or directed to be obtained, granted, or produced by this Act, or shall knowingly or wilfully make use of any Certificate or other Instrument so counterfeited, erased, altered, or falsified, or shall wilfully grant such Certificate or other Instrument in Writing, knowing it to be false, such Person or Persons shall for every such Offence forfeit the Sum of Five hundred Pounds.

Penalty of 500*l.* on Persons making false Declaration, or falsifying any Document.

XLVI. And be it further enacted, That all the Penalties and Forfeitures inflicted and incurred by this Act shall and may be sued for, prosecuted, recovered, and disposed of in such Manner, and by such Ways, Means, and Methods, as any Penalties or Forfeitures inflicted or which may be incurred for any Offences committed against any Law relating to the Customs may now legally be sued for, prosecuted, recovered, and disposed of; and that the Officer or Officers concerned in Seizures or Prosecutions under this Act shall be entitled to and receive the same Share of the Produce arising from such Seizures as in the Case of Seizures for unlawful Importation, and to such Share of the Produce arising from any pecuniary Fine or Penalty for any Offence against this Act as any Officer or Officers is or are now by any Law or Regulation entitled to upon Prosecutions for pecuniary Penalties.

How Penalties are to be recovered, and Officers Shares.

XLVII. And be it further enacted, That this Act may be altered, varied, or repealed by any Act or Acts to be passed in this Session of Parliament.

Act may be altered this Session.

CAP. LVI.

5-8 Feb 1840 An Act for granting Duties of Customs.
 repealed by 8 & 9 Feb 1844
 2nd ed 1840

[28th August 1833.]

6 G. 4. c. 111.

Commencement
of Act.

Instead of all
other Duties of
Customs (except
on Corn, &c.)
there shall be
paid and allow-
ed the Duties
and Drawbacks
specified in the
Tables annexed.

Goods having
paid Duties
imposed by
former Acts to
be entitled to
Drawbacks.

Duties and
Drawbacks to
be under the
Management of
the Commis-
sioners of Cus-
toms.

Reciprocal
Duties to be
levied on Fo-
reign Merchan-
dize, &c.

‘ WHEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for granting Duties of Customs*, whereby the several Duties of Customs were consolidated in One Act: And whereas since the passing of the said Act divers Acts altering the said Duties have been passed, and it will be of advantage to the Trade and Commerce of the Country that the said several Duties should be consolidated in One Act:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That this Act shall commence upon the First Day of *September* One thousand eight hundred and thirty-three, except where any other Commencement is herein particularly directed.

II. And be it further enacted, That in lieu and instead of all other Duties of Customs (except the Duties upon Corn, Grain, Meal, or Flour,) there shall be raised, levied, collected, and paid unto His Majesty, His Heirs and Successors, upon Goods, Wares, and Merchandize imported into or exported from the United Kingdom, the several Duties of Customs, and there shall be allowed the several Drawbacks, as the same are respectively inserted, described, and set forth in Figures in the Tables to this Act annexed, and denominated respectively, “Table of Duties of Customs Inwards” and “Table of Duties of Customs Outwards.”

III. And be it further enacted, That the Amount of Drawbacks granted, allowed, and made payable upon Goods, Wares, and Merchandize exported from or used or consumed in *Great Britain* or *Ireland*, under or by virtue of any Act or Acts in force in *Great Britain* or *Ireland* on or immediately before the said First Day of *September*, shall remain and continue payable with respect to such Goods, Wares, and Merchandizes as, having paid the Duties imposed upon the Importation thereof by any Act or Acts in force on or immediately before the said First Day of *September*, shall from and after the said First Day of *September* be exported from or be so used or consumed in *Great Britain* or *Ireland* respectively.

IV. And be it further enacted, That the Duties and Drawbacks by this Act imposed and allowed shall be under the Management of the Commissioners of His Majesty’s Customs, and shall be ascertained, raised, levied, collected, paid, and recovered, and allowed, and applied or appropriated, under the Provisions of an Act passed in the present Session of Parliament, intituled *An Act for the general Regulation of the Customs*.

V. And be it further enacted, That it shall be lawful for His Majesty, by and with the Advice of His Privy Council, by His Order in Council, from Time to Time to order and direct that there shall be levied and collected any additional Duty, not exceeding One Fifth of the Amount of any existing Duty, upon all or any Goods, Wares, or Merchandize the Growth, Produce, or Manufacture of

any Country which shall levy higher or other Duties upon any Article the Growth, Produce, or Manufacture of any of His Majesty's Dominions than upon the like Article the Growth, Produce, or Manufacture of any other Foreign Country; and in like Manner to impose such additional Duties upon all or any Goods when imported in the Ships of any Country which shall levy higher or other Duties upon any Goods when imported in *British* Ships than when imported in the National Ships of such Country, or which shall levy higher or other Tonnage or Port or other Duties upon *British* Ships than upon such National Ships, or which shall not place the Commerce or Navigation of this Kingdom upon the Footing of the most favoured Nation in the Ports of such Country; and either to prohibit the Importation of any manufactured Article the Produce of such Country in the event of the Export of the raw Material of which such Article is wholly or in part made being prohibited from such Country to the *British* Dominions, or to impose an additional Duty, not exceeding One Fifth as aforesaid, upon such manufactured Article; and also to impose such additional Duty in the event of such raw Material being subject to any Duty upon being exported from the said Country to any of His Majesty's Dominions; and all Duties imposed by any such Order shall be deemed to be Duties imposed by this Act.

VI. And be it further enacted, That upon the Exportation from the United Kingdom of any Foreign Rice or Paddy which shall have been cleaned therein, and which shall have paid the Duties payable on the Importation thereof under this Act, there shall be allowed and paid for every Hundred Weight thereof a Drawback equal in Amount to the Duty paid on every Four Bushels of the rough Rice or Paddy from which the same shall have been cleaned.

Drawback on the Exportation of Foreign Rice or Paddy.

VII. Provided always, and be it further enacted, That such Drawback upon Rice so exported shall be paid and allowed only upon such clean Rice as shall be deposited for the Purpose of Exportation, within One Calendar Month from the Day on which the Duty thereon had been paid, in some Warehouse (in which Rice may be warehoused on Importation without Payment of Duty), and shall there remain secured until duly shipped to be exported from such Warehouse: Provided also, that the Exporter of such Rice shall make Oath before the Collector or Controller that the Rice so warehoused for Exportation was cleaned from the rough Rice or Paddy upon which the Duties had been so paid.

Conditions on which such Drawback is paid.

VIII. And be it further enacted, That it shall be lawful for the Importer of any Goods subject to any Duties of Customs to warehouse such Goods upon the first Entry thereof, under the Laws in force for the warehousing of Goods, without Payment of Duty upon such first Entry; and that all Goods which shall have been so warehoused before the Commencement of any such Duties, and shall remain so warehoused after the Commencement of the same, shall become liable to such Duties in lieu of all former Duties.

Warehousing of Goods.

IX. And be it further enacted, That for the Purposes of this Act the *Cape of Good Hope* and the Territories and Dependencies thereof shall be deemed to be within the Limits of the *East India* Company's Charter; and the Island of *Mauritius* shall be deemed to be one of His Majesty's Sugar Colonies, and placed upon the same

Cape of Good Hope as Limits of Charter, Mauritius as West Indies.

same Footing in all respects as His Majesty's Islands in the *West Indies*.

Produce of Limits of Charter imported from Malta or Gibraltar.

X. And be it further enacted, That all Goods the Produce of Places within the Limits of the *East India* Company's Charter, having been imported into *Malta* or *Gibraltar* from those Places in *British* Ships, shall, upon subsequent Importation into the United Kingdom direct from *Malta* or *Gibraltar*, be liable to the same Duties as the like Goods would respectively be liable to if imported direct from some Place within the Limits of the said Charter.

An Account of the Amount of hereditary Revenues of the Crown to be kept separate.

XI. 'And whereas by the Consolidation of the different Branches of the Public Revenue, and of the several Duties payable on the Importation or Exportation of Goods, Wares, and Merchandize, and the Appropriation thereof, as directed by the several Acts in force in *England*, the hereditary and temporary Revenues of the Crown of Subsidies of Tonnage and Poundage, and of other Duties upon Goods, Wares, and Merchandize, arising in *England*, are not now kept distinct and separate at the several Offices, but have become blended with other Duties of Customs and Tonnage, both in the Collection and Appropriation thereof: And whereas it is expedient that Provision should be made for ascertaining the annual Amount of what such hereditary Revenues would have produced in case the same had not been so consolidated, and that an Account should hereafter be kept of such annual Amount;' be it therefore enacted, That from and after the said First Day of *September* the Lord High Treasurer or Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being, or any Three or more of them, shall cause to be prepared and kept an Account of what such hereditary Revenue arising in *England* would have amounted to in case the same had not been and was not consolidated and collected with other Duties of Customs and Tonnage in the Collection and Appropriation thereof, in such Manner and Form as shall appear to the said Lord High Treasurer or Commissioners of His Majesty's Treasury for the Time being best adapted to ascertain such Amount; which Account the said Lord High Treasurer or Commissioners for the Time being are hereby required to make out or cause to be made out and laid before Parliament, together with the Public Accounts directed to be laid before Parliament, pursuant to the Provisions of the several Acts for directing Public Accounts to be laid annually before Parliament.

Not to affect the hereditary Revenue in Scotland.

XII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to affect or alter the hereditary Revenue of His Majesty, His Heirs and Successors, in *Scotland*, or other Revenues there granted to His late Majesty King *George* the Second during His Life, and reserved to His present Majesty during His Life by an Act passed in the First Year of His present Majesty's Reign, but the same, and the Civil Establishment payable out of the same, shall continue to be paid in like Manner as heretofore, any thing in this Act contained to the contrary notwithstanding.

Duties to be paid into the Exchequer, and

XIII. And be it further enacted, That all the Monies arising by the Duties imposed by this Act (the necessary Charges of raising and

and accounting for the same excepted) shall from Time to Time be paid into the Receipt of His Majesty's Exchequer in *Great Britain*, and shall be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, except only as by this Act is specially provided, and shall be appropriated in like Manner and to the same Services as the Duties by this Act repealed would have been if this Act had not been passed.

carried to the Consolidated Fund.

XIV. And be it further enacted, That all Monies arising from any Duties of Customs, or any Arrears thereof, shall be raised, levied, collected, paid, or received from and after the said First Day of *September*, for or on account of any Goods, Wares, or Merchandize whatever imported or brought into the United Kingdom of *Great Britain* and *Ireland*, or exported from the said United Kingdom, or brought or carried Coastwise or from Port to Port within the United Kingdom, although the Amount of the said Duties may have been computed and ascertained as such Duties have been computed and ascertained before the said First Day of *September*, and although the Goods, Wares, or Merchandize whereon any such Duties of Customs may have been charged or may be charged may have been imported into or exported from the United Kingdom before the said First Day of *September*, and although any Duties of Customs due and payable or charged or chargeable thereon may have been secured by Bond or otherwise on or before the said First Day of *September*, shall from and after the said First Day of *September* be appropriated and applied in like Manner and to the same Purposes as the Duties of Customs by this Act granted are directed to be appropriated and applied, except as is in this Act provided, any Act or Acts of Parliament, Law, Usage, or Custom to the contrary notwithstanding; and that all Monies arising by any of the Revenues of Customs hereafter to be paid or allowed, either upon Bond or otherwise, either by way of Drawback, Bounty, Certificate, Premium, or Allowance, or by any other legal Document whatever, from and after the said First Day of *September*, although the Amount of the same shall have been computed and ascertained in like Manner in which they have heretofore been usually computed and ascertained, or shall have become due before the said First Day of *September*, shall and may be paid or allowed in like Manner by the proper Officer or Officers of the Customs out of any Monies in their Hands arising from the Duties of Customs respectively.

Duties due before 1st Day of *September*, levied after that Day, to be deemed Duties under this Act, and appropriated as such.

XV. And be it further enacted, That this Act may be altered, varied, or repealed by any Act or Acts to be passed in this present Session of Parliament.

Act may be altered in this Session.

DUTIES OF CUSTOMS INWARDS.

A TABLE of the DUTIES of CUSTOMS payable on Goods, Wares, and Merchandize imported into the United Kingdom from Foreign Parts, and of the Drawbacks to be allowed on the Exportation of such Goods, Wares, and Merchandize.

INWARDS.		Duty.		
A.		£	s.	d.
Acetous Acid. <i>See</i> Vinegar.				
Acorns. <i>See</i> Seed.				
Agates or Cornelians,	- - - for every 100 <i>l</i> . of the Value	10	0	0
— set,	- - - for every 100 <i>l</i> . of the Value	20	0	0
Alkali, not being Barilla, <i>viz</i> .				
— any Article containing Soda or Mineral Alkali, whereof Mineral Alkali is the most valuable Part, (such Alkali not being otherwise particularly charged with Duty), <i>viz</i> .				
- - - - -	if not containing a greater Proportion of such Alkali than 20 per Centum, - the cwt.	0	11	4
- - - - -	if containing more than 20 per Centum and not exceeding 25 per Centum of such Alkali, - - - the cwt.	0	15	0
- - - - -	if containing more than 25 per Centum and not exceeding 30 per Centum of such Alkali, - - - the cwt.	0	18	4
- - - - -	if containing more than 30 per Centum and not exceeding 40 per Centum of such Alkali, - - - the cwt.	1	3	4
- - - - -	if containing more than 40 per Centum of such Alkali, - - - the cwt.	1	10	0
— natural Alkali, imported from Places within the Limits of the East India Company's Charter - the cwt.				
Alkanet Root	- - - - - the cwt.	0	2	0
Almond Paste	- - - for every 100 <i>l</i> . of the Value	60	0	0
Almonds, <i>viz</i> .				
— Bitter	- - - - - the cwt.	0	4	0
— Jordan	- - - - - the cwt.	2	0	0
— of any other Sort	- - - - - the cwt.	1	0	0
Aloes	- - - - - the lb.	0	0	8
— the Produce of and imported from any British Possession, the lb.				
Alum	- - - - - the cwt.	0	17	6
— Roch	- - - - - the cwt.	0	11	8
Amber, Rough	- - - - - the lb.	0	0	6
— Manufactures of Amber, not otherwise enumerated or described - the lb.				
Ambergris	- - - - - the oz.	0	0	6
Anchovies	- - - - - the lb.	0	0	2
— ca	- - - - - the cwt.	0	4	0

						£	s.	d.
Annotto	-	-	-	-	the cwt.	0	1	0
—— Roll	-	-	-	-	the cwt.	0	4	0
Antimony, viz.								
—— Ore	-	-	-	-	the Ton	0	1	0
—— Crude	-	-	-	-	the cwt.	0	8	0
—— Regulus	-	-	-	-	the cwt.	0	16	0
Apples	-	-	-	-	the Bushel	0	4	0
—— dried	-	-	-	-	the Bushel	0	7	0
Aquafortis	-	-	-	-	the cwt.	0	14	3
Argol	-	-	-	-	the cwt.	0	0	6
Aristolochia	-	-	-	-	the lb.	0	0	10
Arquebusade Water.	See Spirits.							
Arrow Root	-	-	-	-	the lb.	0	0	2
—— the Produce of	and imported from any British Possession				the cwt.	0	1	0
Arsenic	-	-	-	-	the cwt.	0	8	0
Asafoetida.	See Gum.							
Ashes, viz.								
—— Pearl and Pot	-	-	-	-	the cwt.	0	6	0
—— - - - imported from any British Possession					-	Free.		
—— Soap, Weed, and Wood	-	-	-	-	the cwt.	0	1	8
—— not otherwise enumerated or described,								
	for every 100℥. of the Value					20	0	0
Asphaltum	-	-	-	-	the cwt.	0	4	0
Asses	-	-	-	-	each	0	10	0

B.

Bacon	-	-	-	-	the cwt.	1	8	0
Balm of Gilead.	See Balsam.							
Balsam, viz.								
—— Canada	-	-	-	-	the lb.	0	0	1
—— Capivi	-	-	-	-	the cwt.	0	4	0
—— Peru	-	-	-	-	the lb.	0	1	0
—— Riga	-	-	-	-	the lb.	0	1	0
—— and further as Foreign Spirits	-	-	-	-	for every Gallon	1	10	0
—— Tolu	-	-	-	-	the lb.	0	2	0
—— Balm of Gilead, and all Balsams not otherwise enumerated or described	-	-	-	-	the lb.	0	4	6
Bandstring Twist, the Dozen Knots, each Knot containing 32 Yards	-	-	-	-	-	0	5	0
Barilla	-	-	-	-	the Ton	2	0	0
Bark, viz.								
—— for Tanners or Dyers Use	-	-	-	-	the cwt.	0	0	8
—— - - - imported from any British Possession	-	-	-	-	the cwt.	0	0	1
—— Peruvian and Cascarilla	-	-	-	-	the lb.	0	0	1
—— of other Sorts	-	-	-	-	the lb.	0	0	1
—— Extract of, or of other Vegetable Substances to be used only for tanning Leather	-	-	-	-	the cwt.	0	3	0
—— - - - imported from any British Possession	-	-	-	-	the cwt.	0	0	1
Bar Wood	-	-	-	-	the Ton	0	5	0
Basket Rods, the Bundle (not exceeding Three Feet in Circumference at the Band)	-	-	-	-	-	0	1	0
Baskets	-	-	-	-	for every 100℥. of the Value	20	0	0
Best Ropes, Twines, and Strands	-	-	-	-	the cwt.	0	10	0

troller shall make a Memorandum in the Book of Registers of the further Time so granted, and during such Time no other Bill of Sale shall be entered for the Transfer of the same Ship or Vessel, or the same Share or Shares thereof, or for giving the same Security thereon.

Bills of Sale may be produced after Entry at other Ports than those to which Vessels belong, and Transfers indorsed on Certificate of Registry.

Previous Notice to be given to Officers at the Port of Registry.

XXXVII. And be it further enacted, That if the Certificate of Registry of such Ship or Vessel shall be produced to the Collector and Controller of any Port where she may then be, after any such Bill of Sale shall have been recorded at the Port to which she belongs, together with such Bill of Sale, containing a Notification of such Record, signed by the Collector and Controller of such Port as before directed, it shall be lawful for the Collector and Controller of such other Port to indorse on such Certificate of Registry (being required so to do) the Transfer mentioned in such Bill of Sale, and such Collector and Controller shall give Notice thereof to the Collector and Controller of the Port to which such Ship or Vessel belongs, who shall record the same in like Manner as if they had made such Indorsement themselves, but inserting the Name of the Port at which such Indorsement was made: Provided always, that the Collector and Controller of such other Port shall first give Notice to the Collector and Controller of the Port to which such Ship or Vessel belongs of such Requisition made to them to indorse the Certificate of Registry, and the Collector and Controller of the Port to which such Ship or Vessel belongs shall thereupon send Information to the Collector and Controller of such other Port, whether any and what other Bill or Bills of Sale have been recorded in the Book of the Registry of such Ship or Vessel; and the Collector and Controller of such other Port having such Information shall proceed in manner directed by this Act in all respects to the indorsing of the Certificate of Registry as they would do if such Port were the Port to which such Vessel belonged.

If upon Registry *de novo* any Bill of Sale shall not have been recorded, the same shall then be produced.

Bill of Sale previous to Registry may be recorded after Registry.

Upon Change of Property Registry *de novo* may be granted if desired, although not required by Law.

XXXVIII. And be it further enacted, That if it shall become necessary to register any Ship or Vessel *de novo*, and any Share or Shares of such Ship or Vessel shall have been sold since she was last registered, and the Transfer of such Share or Shares shall not have been recorded and indorsed in manner herein-before directed, the Bill of Sale thereof shall be produced to the Collector and Controller of His Majesty's Customs who are to make Registry of such Ship or Vessel, otherwise such Sale shall not be noticed in such Registry *de novo*, except as herein-after excepted: Provided always, that upon the future Production of such Bill of Sale, and of the existing Certificate of Registry, such Transfer shall and may be recorded and indorsed as well after such Registry *de novo* as before.

XXXIX. And be it further enacted, That if upon any Change of Property in any Ship or Vessel the Owner or Owners shall desire to have the same registered *de novo*, although not required by this Act, and the Owner or proper Number of Owners shall attend at the Custom House at the Port to which such Ship or Vessel belongs for that Purpose, it shall be lawful for the Collector and Controller of His Majesty's Customs at such Port to make Registry *de novo* of such Ship or Vessel at the same Port, and to grant a Certificate thereof, the several Requisites herein-before in this Act mentioned and directed being first duly observed and complied with,

XL. And whereas great Inconvenience hath arisen from the Registering Officers being served with Subpœnas requiring them to bring with them and produce, on Trials in Courts of Law relative to the Ownery of Vessels, or otherwise, the Oaths or Declarations required to be taken by the Owners thereof prior to the registering thereof, and the Books of Registry, or Copies or Extracts therefrom: And whereas it would tend much to the Dispatch of Business if the Attendance of such Registering Officers with the same upon such Trials were dispensed with; be it therefore enacted, That the Collector and Controller of His Majesty's Customs at any Port or Place, and the Person or Persons acting for them respectively, shall, upon every reasonable Request by any Person or Persons whomsoever, produce and exhibit for his, her, or their Inspection and Examination any Oath or Declaration sworn or made by any such Owner or Owners, Proprietor or Proprietors, and also any Register or Entry in any Book or Books of Registry required by this Act to be made or kept relative to any Ship or Vessel, and shall, upon every reasonable Request by any Person or Persons whomsoever, permit him, her, or them to take a Copy or Copies or an Extract or Extracts thereof respectively; and that the Copy and Copies of any such Oath or Declaration, Register or Entry, shall, upon being proved to be a true Copy or Copies thereof respectively, be allowed and received as Evidence upon every Trial at Law, without the Production of the Original or Originals, and without the Testimony or Attendance of any Collector or Controller, or other Person or Persons acting for them respectively, in all Cases, as fully and to all Intents and Purposes as such Original or Originals, if produced by any Collector or Collectors, Controller or Controllers, or other Person or Persons acting for them, could or might legally be admitted or received in Evidence.

Copies of Declarations, &c. and of Extracts from Books of Registry, admitted in Evidence.

XLI. And be it further enacted, That if the Ship or Vessel, or the Share or Shares of any Owner thereof who may be out of the Kingdom, shall be sold in his Absence by his known Agent or Correspondent, under his Directions either expressed or implied, and acting for his Interest in that Behalf, and such Agent or Correspondent who shall have executed a Bill of Sale to the Purchaser of the whole of such Ship or Vessel, or of any Share or Shares thereof, shall not have received a legal Power to execute the same, it shall be lawful for the Commissioners of His Majesty's Customs, upon Application made to them, and Proof to their Satisfaction of the fair Dealings of the Parties, to permit such Transfer to be registered, if Registry *de novo* be necessary, or to be recorded and indorsed, as the Case may be, in manner directed by this Act, as if such legal Power had been produced; and also if it shall happen that any Bill of Sale cannot be produced, or if, by reason of Distance of Time, or the Absence or Death of Parties concerned, it cannot be proved that a Bill of Sale for any Share or Shares in any Ship or Vessel had been executed, and Registry *de novo* of such Ship or Vessel shall have become necessary, it shall be lawful for the Commissioners of His Majesty's Customs, upon Proof to their Satisfaction of the fair Dealings of the Parties, to permit such Ship or Vessel to be registered *de novo* in like Manner as if a Bill of Sale for the Transfer of such Share or Shares had been produced:

Vessels or Shares sold in the Absence of Owners without formal Powers.

Commissioners may permit Record of such Sales of Registry *de novo* as the Case may require; and in other Cases where Bills of Sale cannot be produced;

Security being
given to pro-
duce legal Pow-
ers or abide
future Claims.

duced: Provided always, that in any of the Cases herein mentioned good and sufficient Security shall be given to produce a legal Power or Bill of Sale within a reasonable Time, or to abide the future Claims of the absent Owner, his Heirs and Successors, as the Case may be; and at the future Request of the Party whose Property has been so transferred, without the Production of a Bill of Sale from him or from his lawful Attorney, such Bond shall be available for the Protection of his Interest, in addition to any Powers or Rights which he may have in Law or Equity against the Ship or Vessel, or against the Parties concerned, until he shall have received full Indemnity for any Loss or Injury sustained by him.

Transfer by
way of
Mortgage.

XLII. And be it further enacted, That when any Transfer of any Ship or Vessel, or of any Share or Shares thereof, shall be made only as a Security for the Payment of a Debt or Debts, either by way of Mortgage, or of Assignment to a Trustee or Trustees for the Purpose of selling the same for the Payment of any Debt or Debts, then and in every such Case the Collector and Controller of the Port where the Ship or Vessel is registered shall, in the Entry in the Book of Registry, and also in the Indorsement on the Certificate of Registry, in manner herein-before directed, state and express that such Transfer was made only as a Security for the Payment of a Debt or Debts, or by way of Mortgage, or to that Effect; and the Person or Persons to whom such Transfer shall be made, or any other Person or Persons claiming under him or them as a Mortgagee or Mortgagees, or a Trustee or Trustees only, shall not by reason thereof be deemed to be the Owner or Owners of such Ship or Vessel, Share or Shares thereof, nor shall the Person or Persons making such Transfer be deemed by reason thereof to have ceased to be an Owner or Owners of such Ship or Vessel, any more than if no such Transfer had been made, except so far as may be necessary for the Purpose of rendering the Ship or Vessel, Share or Shares so transferred, available by Sale or otherwise for the Payment of the Debt or Debts for securing the Payment of which such Transfer shall have been made.

Mortgagee not
to be deemed an
Owner.

Transfers of
Ships for Secu-
rity of Debts
being registered,
Rights of Mort-
gagee not affect-
ed by any Act
of Bankruptcy
of Mortgagor,
&c.

XLIII. And be it further enacted, That when any Transfer of any Ship or Vessel, or of any Share or Shares thereof, shall have been made as a Security for the Payment of any Debt or Debts, either by way of Mortgage or of Assignment as aforesaid, and such Transfer shall have been duly registered according to the Provisions of this Act, the Right or Interest of the Mortgagee or other Assignee as aforesaid shall not be in any Manner affected by any Act or Acts of Bankruptcy committed by such Mortgagor or Assignor, Mortgagors or Assignors, after the Time when such Mortgage or Assignment shall have been so registered as aforesaid, notwithstanding such Mortgagor or Assignor, Mortgagors or Assignors, at the Time he or they shall so become bankrupt as aforesaid, shall have in his or their Possession, Order, and Disposition, and shall be the reputed Owner or Owners of the said Ship or Vessel, or the Share or Shares thereof, so by him or them mortgaged or assigned as aforesaid, but that such Mortgage or Assignment shall take place of and be preferred to any Right, Claim, or Interest which may belong to the Assignee or Assignees of such Bankrupt or Bankrupts in such Ship or Vessel, Share or Shares thereof, any Law or Statute to the contrary thereof notwithstanding.

XLIV. And be it further enacted, That it shall and may be lawful for any Governor, Lieutenant Governor, or Commander in Chief of any of His Majesty's Colonies, Plantations, Islands, or Territories, and they are hereby respectively authorized and required, if any Suit, Information, Libel, or other Prosecution or Proceeding of any Nature or Kind whatever shall have been commenced or shall hereafter be commenced in any Court whatever in any of the said Colonies, Plantations, Islands, or Territories respectively, touching the Force and Effect of any Register granted to any Ship or Vessel, upon a Representation made to any such Governor, Lieutenant Governor, or Commander in Chief, to cause all Proceedings thereon to be stayed, if he shall see just Cause so to do, until His Majesty's Pleasure shall be known and certified to him by His Majesty, by and with the Advice of His Majesty's Privy Council; and such Governor, Lieutenant Governor, or Commander in Chief is hereby required to transmit to One of His Majesty's Principal Secretaries of State, to be laid before His Majesty in Council, an authenticated Copy of the Proceedings in every such Case, together with his Reasons for causing the same to be stayed, and such Documents (properly verified) as he may judge necessary for the Information of His Majesty.

Governors of Colonies, &c. may cause Proceedings in Suits to be stayed.

XLV. And be it further enacted, That if any Person or Persons shall falsely make Declaration to any of the Matters herein-before required to be verified by Declaration, or if any Person or Persons shall counterfeit, erase, alter, or falsify any Certificate or other Instrument in Writing required or directed to be obtained, granted, or produced by this Act, or shall knowingly or wilfully make use of any Certificate or other Instrument so counterfeited, erased, altered, or falsified, or shall wilfully grant such Certificate or other Instrument in Writing, knowing it to be false, such Person or Persons shall for every such Offence forfeit the Sum of Five hundred Pounds.

Penalty of 500*l.* on Persons making false Declaration, or falsifying any Document.

XLVI. And be it further enacted, That all the Penalties and Forfeitures inflicted and incurred by this Act shall and may be sued for, prosecuted, recovered, and disposed of in such Manner, and by such Ways, Means, and Methods, as any Penalties or Forfeitures inflicted or which may be incurred for any Offences committed against any Law relating to the Customs may now legally be sued for, prosecuted, recovered, and disposed of; and that the Officer or Officers concerned in Seizures or Prosecutions under this Act shall be entitled to and receive the same Share of the Produce arising from such Seizures as in the Case of Seizures for unlawful Importation, and to such Share of the Produce arising from any pecuniary Fine or Penalty for any Offence against this Act as any Officer or Officers is or are now by any Law or Regulation entitled to upon Prosecutions for pecuniary Penalties.

How Penalties are to be recovered, and Officers Shares.

XLVII. And be it further enacted, That this Act may be altered, varied, or repealed by any Act or Acts to be passed in this Session of Parliament.

Act may be altered this Session.

CAP. LVI.

5-8 Feb 1840
repealed by 8 & 9 Feb 1844
cap. 1090

An Act for granting Duties of Customs.

[28th August 1833.]

6 G. 4. c. 111.

Commencement
of Act.Instead of all
other Duties of
Customs (except
on Corn, &c.)
there shall be
paid and allow-
ed the Duties
and Drawbacks
specified in the
Tables annexed.Goods having
paid Duties
imposed by
former Acts to
be entitled to
Drawbacks.Duties and
Drawbacks to
be under the
Management of
the Commis-
sioners of Cust-
oms.Reciprocal
Duties to be
levied on Fo-
reign Merchan-
dize, &c.

‘ WHEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for granting Duties of Customs*, whereby the several Duties of Customs were consolidated in One Act: And whereas since the passing of the said Act divers Acts altering the said Duties have been passed, and it will be of advantage to the Trade and Commerce of the Country that the said several Duties should be consolidated in One Act:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That this Act shall commence upon the First Day of *September* One thousand eight hundred and thirty-three, except where any other Commencement is herein particularly directed.

II. And be it further enacted, That in lieu and instead of all other Duties of Customs (except the Duties upon Corn, Grain, Meal, or Flour,) there shall be raised, levied, collected, and paid unto His Majesty, His Heirs and Successors, upon Goods, Wares, and Merchandize imported into or exported from the United Kingdom, the several Duties of Customs, and there shall be allowed the several Drawbacks, as the same are respectively inserted, described, and set forth in Figures in the Tables to this Act annexed, and denominated respectively, “Table of Duties of Customs Inwards” and “Table of Duties of Customs Outwards.”

III. And be it further enacted, That the Amount of Drawbacks granted, allowed, and made payable upon Goods, Wares, and Merchandize exported from or used or consumed in *Great Britain* or *Ireland*, under or by virtue of any Act or Acts in force in *Great Britain* or *Ireland* on or immediately before the said First Day of *September*, shall remain and continue payable with respect to such Goods, Wares, and Merchandizes as, having paid the Duties imposed upon the Importation thereof by any Act or Acts in force on or immediately before the said First Day of *September*, shall from and after the said First Day of *September* be exported from or be so used or consumed in *Great Britain* or *Ireland* respectively.

IV. And be it further enacted, That the Duties and Drawbacks by this Act imposed and allowed shall be under the Management of the Commissioners of His Majesty’s Customs, and shall be ascertained, raised, levied, collected, paid, and recovered, and allowed, and applied or appropriated, under the Provisions of an Act passed in the present Session of Parliament, intituled *An Act for the general Regulation of the Customs*.

V. And be it further enacted, That it shall be lawful for His Majesty, by and with the Advice of His Privy Council, by His Order in Council, from Time to Time to order and direct that there shall be levied and collected any additional Duty, not exceeding One Fifth of the Amount of any existing Duty, upon all or any Goods, Wares, or Merchandize the Growth, Produce, or Manufacture of

any Country which shall levy higher or other Duties upon any Article the Growth, Produce, or Manufacture of any of His Majesty's Dominions than upon the like Article the Growth, Produce, or Manufacture of any other Foreign Country; and in like Manner to impose such additional Duties upon all or any Goods when imported in the Ships of any Country which shall levy higher or other Duties upon any Goods when imported in *British* Ships than when imported in the National Ships of such Country, or which shall levy higher or other Tonnage or Port or other Duties upon *British* Ships than upon such National Ships, or which shall not place the Commerce or Navigation of this Kingdom upon the Footing of the most favoured Nation in the Ports of such Country; and either to prohibit the Importation of any manufactured Article the Produce of such Country in the event of the Export of the raw Material of which such Article is wholly or in part made being prohibited from such Country to the *British* Dominions, or to impose an additional Duty, not exceeding One Fifth as aforesaid, upon such manufactured Article; and also to impose such additional Duty in the event of such raw Material being subject to any Duty upon being exported from the said Country to any of His Majesty's Dominions; and all Duties imposed by any such Order shall be deemed to be Duties imposed by this Act.

VI. And be it further enacted, That upon the Exportation from the United Kingdom of any Foreign Rice or Paddy which shall have been cleaned therein, and which shall have paid the Duties payable on the Importation thereof under this Act, there shall be allowed and paid for every Hundred Weight thereof a Drawback equal in Amount to the Duty paid on every Four Bushels of the rough Rice or Paddy from which the same shall have been cleaned.

Drawback on the Exportation of Foreign Rice or Paddy.

VII. Provided always, and be it further enacted, That such Drawback upon Rice so exported shall be paid and allowed only upon such clean Rice as shall be deposited for the Purpose of Exportation, within One Calendar Month from the Day on which the Duty thereon had been paid, in some Warehouse (in which Rice may be warehoused on Importation without Payment of Duty), and shall there remain secured until duly shipped to be exported from such Warehouse: Provided also, that the Exporter of such Rice shall make Oath before the Collector or Controller that the Rice so warehoused for Exportation was cleaned from the rough Rice or Paddy upon which the Duties had been so paid.

Conditions on which such Drawback is paid.

VIII. And be it further enacted, That it shall be lawful for the Importer of any Goods subject to any Duties of Customs to warehouse such Goods upon the first Entry thereof, under the Laws in force for the warehousing of Goods, without Payment of Duty upon such first Entry; and that all Goods which shall have been so warehoused before the Commencement of any such Duties, and shall remain so warehoused after the Commencement of the same, shall become liable to such Duties in lieu of all former Duties.

Warehousing of Goods.

IX. And be it further enacted, That for the Purposes of this Act the *Cape of Good Hope* and the Territories and Dependencies thereof shall be deemed to be within the Limits of the *East India* Company's Charter; and the Island of *Mauritius* shall be deemed to be one of His Majesty's Sugar Colonies, and placed upon the same

Cape of Good Hope as Limits of Charter, Mauritius as West Indics.

same Footing in all respects as His Majesty's Islands in the *West Indies*.

Produce of Limits of Charter imported from Malta or Gibraltar.

X. And be it further enacted, That all Goods the Produce of Places within the Limits of the *East India* Company's Charter, having been imported into *Malta* or *Gibraltar* from those Places in *British* Ships, shall, upon subsequent Importation into the United Kingdom direct from *Malta* or *Gibraltar*, be liable to the same Duties as the like Goods would respectively be liable to if imported direct from some Place within the Limits of the said Charter.

An Account of the Amount of hereditary Revenues of the Crown to be kept separate.

XI. ' And whereas by the Consolidation of the different Branches of the Public Revenue, and of the several Duties payable on the Importation or Exportation of Goods, Wares, and Merchandize, and the Appropriation thereof, as directed by the several Acts in force in *England*, the hereditary and temporary Revenues of the Crown of Subsidies of Tonnage and Poundage, and of other Duties upon Goods, Wares, and Merchandize, arising in *England*, are not now kept distinct and separate at the several Offices, but have become blended with other Duties of Customs and Tonnage, both in the Collection and Appropriation thereof: And whereas it is expedient that Provision should be made for ascertaining the annual Amount of what such hereditary Revenues would have produced in case the same had not been so consolidated, and that an Account should hereafter be kept of such annual Amount; ' be it therefore enacted, That from and after the said First Day of *September* the Lord High Treasurer or Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being, or any Three or more of them, shall cause to be prepared and kept an Account of what such hereditary Revenue arising in *England* would have amounted to in case the same had not been and was not consolidated and collected with other Duties of Customs and Tonnage in the Collection and Appropriation thereof, in such Manner and Form as shall appear to the said Lord High Treasurer or Commissioners of His Majesty's Treasury for the Time being best adapted to ascertain such Amount; which Account the said Lord High Treasurer or Commissioners for the Time being are hereby required to make out or cause to be made out and laid before Parliament, together with the Public Accounts directed to be laid before Parliament, pursuant to the Provisions of the several Acts for directing Public Accounts to be laid annually before Parliament.

Not to affect the hereditary Revenue in Scotland.

XII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to affect or alter the hereditary Revenue of His Majesty, His Heirs and Successors, in *Scotland*, or other Revenues there granted to His late Majesty King *George* the Second during His Life, and reserved to His present Majesty during His Life by an Act passed in the First Year of His present Majesty's Reign, but the same, and the Civil Establishment payable out of the same, shall continue to be paid in like Manner as heretofore, any thing in this Act contained to the contrary notwithstanding.

XIII. And be it further enacted, That all the Monies arising by the Duties imposed by this Act (the necessary Charges of raising and

Duties to be paid into the Exchequer, and

and accounting for the same excepted) shall from Time to Time be paid into the Receipt of His Majesty's Exchequer in *Great Britain*, and shall be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, except only as by this Act is specially provided, and shall be appropriated in like Manner and to the same Services as the Duties by this Act repealed would have been if this Act had not been passed.

carried to the Consolidated Fund.

XIV. And be it further enacted, That all Monies arising from any Duties of Customs, or any Arrears thereof, shall be raised, levied, collected, paid, or received from and after the said First Day of *September*, for or on account of any Goods, Wares, or Merchandize whatever imported or brought into the United Kingdom of *Great Britain* and *Ireland*, or exported from the said United Kingdom, or brought or carried Coastwise or from Port to Port within the United Kingdom, although the Amount of the said Duties may have been computed and ascertained as such Duties have been computed and ascertained before the said First Day of *September*, and although the Goods, Wares, or Merchandize whereon any such Duties of Customs may have been charged or may be charged may have been imported into or exported from the United Kingdom before the said First Day of *September*, and although any Duties of Customs due and payable or charged or chargeable thereon may have been secured by Bond or otherwise on or before the said First Day of *September*, shall from and after the said First Day of *September* be appropriated and applied in like Manner and to the same Purposes as the Duties of Customs by this Act granted are directed to be appropriated and applied, except as is in this Act provided, any Act or Acts of Parliament, Law, Usage, or Custom to the contrary notwithstanding; and that all Monies arising by any of the Revenues of Customs hereafter to be paid or allowed, either upon Bond or otherwise, either by way of Drawback, Bounty, Certificate, Premium, or Allowance, or by any other legal Document whatever, from and after the said First Day of *September*, although the Amount of the same shall have been computed and ascertained in like Manner in which they have heretofore been usually computed and ascertained, or shall have become due before the said First Day of *September*, shall and may be paid or allowed in like Manner by the proper Officer or Officers of the Customs out of any Monies in their Hands arising from the Duties of Customs respectively.

Duties due before 1st Day of *September*, levied after that Day, to be deemed Duties under this Act, and appropriated as such.

XV. And be it further enacted, That this Act may be altered, varied, or repealed by any Act or Acts to be passed in this present Session of Parliament.

Act may be altered in this Session.

Honey, *continued*.

		£	s.	d.
the Produce of and imported from any British Possession	the cwt.	0	5	0
Hoofs of Cattle	for every 100 <i>l</i> . of the Value	1	0	0
Hoops, <i>viz</i> ˚.				
of Iron	the cwt.	1	3	9
of Wood, <i>viz</i> ˚.				
- - - not exceeding Six Feet in Length	the 1,000	0	5	0
- - - exceeding Six Feet and not exceeding Nine Feet in Length	the 1,000	0	7	6
- - - exceeding Nine Feet and not exceeding Twelve Feet in Length	the 1,000	0	10	0
- - - exceeding Twelve Feet and not exceeding Fifteen Feet in Length	the 1,000	0	12	6
- - - exceeding Fifteen Feet in Length	the 1,000	0	15	0
Hops	the cwt.	8	11	0
Horns, Horn Tips, and Pieces of Horns, not otherwise charged with Duty	the cwt.	0	2	4
Horses, Mares, or Geldings	each	1	0	0
Hungary Water.	<i>See</i> Spirits.			

I. and J.

Jalap	the lb.	0	0	6
Japanned or Lacquered Ware	for every 100 <i>l</i> . of the Value	20	0	0
Jet	the lb.	0	0	2
Jetsam.	<i>See</i> Derelict.			
Jewels, Emeralds, Rubies, and all other precious Stones (except Diamonds), <i>viz</i> ˚.				
set	for every 100 <i>l</i> . of the Value	20	0	0
not set	for every 100 <i>l</i> . of the Value	10	0	0
India Rubbers.	<i>See</i> Caotchouc.			
Indigo	the lb.	0	0	4
the Produce of and imported from any British Possession	the lb.	0	0	3
Ink for Printers	the cwt.	0	10	0
Inkle, unwrought	the lb.	0	0	10
wrought	the lb.	0	5	2
Iron, <i>viz</i> ˚.				
in Bars, or unwrought	the Ton	1	10	0
- - - the Produce of and imported from any British Possession	the Ton	0	2	6
slit or hammered into Rods, and Iron drawn or hammered less than $\frac{1}{4}$ of an Inch Square	the cwt.	0	5	0
Cast	for every 100 <i>l</i> . of the Value	10	0	0
Hoops.	<i>See</i> Hoops.			
old broken, and old Cast Iron	the Ton	0	12	0
Ore	the Ton	0	5	0
Pig Iron	the Ton	0	10	0
- - - the Produce of and imported from any British Possession	the Ton	0	1	3
Chromate of Iron	the Ton	0	5	0
wrought, not otherwise enumerated or described,	for every 100 <i>l</i> . of the Value	20	0	0

		the cwt.	£	s.	d.
Isinglass	- - - - -	-	2	7	6
the Produce of and imported from any British Possession	- - - - -	- the cwt.	0	15	10
Juice of Lemons, Limes, or Oranges	- - - - -	- the Gallon	0	0	0½
Junk, old. See Rags, old.					

K.

Kelp. See Alkali.

L.

Lac, viz. Stick Lac	- - - - -	- the cwt.	0	1	0
Lace, viz. Thread Lace	- - - for every 100l. of the Value		30	0	0
Lacquered Ware. See Japanned Ware.					
Lagan. See Derelict.					
Lamp Black	- - - - -	- the cwt.	1	0	0
Lapis Calaminaris	- - - - -	- the cwt.	0	1	0
Lard	- - - - -	- the cwt.	0	8	0
Latten	- - - - -	- the cwt.	0	4	0
Shaven	- - - - -	- the cwt.	0	6	0
Lavender Flowers	- - - - -	- the lb.	0	0	10
Lead, viz.					
Black	- - - - -	- the cwt.	0	4	0
Chromate of Lead	- - - - -	- the lb.	0	2	0
Ore	- - - - -	- the Ton	1	5	0
Pig	- - - - -	- the Ton	2	0	0
Red	- - - - -	- the cwt.	0	6	0
White	- - - - -	- the cwt.	0	7	0
Leather; viz. Pieces of Leather, or Leather cut into Shapes, or any Article made of Leather, or any Manufacture whereof Leather is the most valuable Part, not otherwise enumerated or described	- - - for every 100l. of the Value		30	0	0
Leaves of Gold	- - - - -	- the 100 Leaves	0	3	0
Leaves of Roses	- - - - -	- the lb.	0	0	2
Leeches	- - - - -	- for every 100l. of the Value	5	0	0
Lemons. See Oranges.					
Peel of	- - - - -	- the lb.	0	0	5
preserved in Sugar. See Succades.					
Lentiles	- - - - -	- the Bushel	0	0	10
Lignum, viz.					
Quassia. See Quassia.					
Vitæ	- - - - -	- the Ton	2	0	0
- - - the Produce of and imported from any British Possession	- - - - -	- the Ton	0	10	0
Linen, or Linen and Cotton, viz.					
Cambrics and Lawns commonly called French Lawns, the Piece not exceeding 8 Yards in Length, and not exceeding Seven Eighths of a Yard in Breadth, and so in proportion for any greater or less Quantity,					
plain	- - - - -	-	0	6	0
bordered Handkerchiefs	- - - - -	-	0	5	0
Lawns of any other Sort, not French, viz.					
- - - not containing more than 60 Threads to the Inch of Warp	- - - - -	- the Square Yard	0	0	9

Linen, &c. *continued.*

£ s. d.

—— Plain Linens and Diaper, &c. <i>continued.</i>					
- - -	containing more than 80 Threads, and not containing more than 100 Threads to the Inch of Warp,				
- - - -	until the 6th of January 1834,				
	the Square Yard	0	1	0½	
- - - -	from the 5th of January 1834,				
	the Square Yard	0	1	0	
- - -	containing more than 100 Threads to the Inch of Warp,				
- - - -	until the 6th of January 1834,				
	the Square Yard	0	1	7	
- - - -	from the 5th of January 1834,				
	the Square Yard	0	1	6	
——	Or, and instead of the Duties herein-before imposed upon Linens according to the Number of Threads in the Warp, at the Option of the Importer,				
	for every 100℥. of the Value	40	0	0	
<i>Note.</i> —No increased Rate of Duty to be charged on any Linen or Lawns for any additional Number of Threads not exceeding Two Threads for such as are not of Thirty Threads to the Inch, nor for any additional Number of Threads not exceeding Five Threads for such as are of Thirty Threads and upwards to the Inch.					
——	Sails - - - for every 100℥. of the Value	30	0	0	
- - -	in actual Use of a British Ship, and fit and necessary for such Ship, and not otherwise disposed of				Free.
- - -	if and when otherwise disposed of,				
	for every 100℥. of the Value	20	0	0	
——	Manufactures of Linen, or of Linen mixed with Cotton or with Wool, not particularly enumerated or otherwise charged with Duty - - - for every 100℥. of the Value	25	0	0	
——	Articles of Manufactures of Linen, or of Linen mixed with Cotton or with Wool, wholly or in part made up, not otherwise charged with Duty,				
	for every 100℥. of the Value	40	0	0	
Linseed Cakes	- - - - - the cwt.	0	0	2	
Liquorice Juice, or Succus Liquoritiæ	- - - the cwt.	3	15	0	
—— Powder	- - - - - the cwt.	5	10	0	
—— Root	- - - - - the cwt.	3	3	4	
—— Extract or Preparation of. <i>See</i> Extract.					
Litharge of Gold or Silver	- - - the cwt.	0	2	0	
Live Creatures illustrative of Natural History	- - -				Free.
Liverwort. <i>See</i> Lichen Islandicus, in Moss.					
Logwood	- - - the Ton	0	4	6	
—— imported from any British Possession	- - the Ton	0	3	0	
Lupines	- - - the cwt.	0	5	0	
Lute Strings. <i>See</i> Catlings.					
M.					
Macaroni	- - - the lb.	0	0	2	
Mace	- - - the lb.	0	4	6	
—— imported from any British Possession within the Limits of the East India Company's Charter	- - the lb.	0	3	6	

Mace, continued.

	£	s.	d.
the Produce of and imported from any other British Possession	-	-	-
the lb.	0	3	6
Madder	-	-	-
the cwt.	0	2	0
Root	-	-	-
the cwt.	0	0	6
Magna Græcia Ware	-	-	-
for every 100l. of the Value	5	0	0
Mahogany	-	-	-
the Ton	7	10	0
imported from the Bay of Honduras in a British Ship cleared out from the Port of Belize, the Ton	1	10	0
imported from any British Possession	-	-	-
the Ton	4	0	0
Manganese Ore	-	-	-
the Ton	0	10	0
Mangoes. <i>See</i> Pickles.			
Manna	-	-	-
the lb.	0	0	3
Manuscripts	-	-	-
the lb.	0	0	2
Maps or Charts, plain or coloured, each Map or Chart, or Part thereof	-	-	-
	0	0	6
Marble. <i>See</i> Stone.			
Marbles for Children. <i>See</i> Toys.			
Marmalade	-	-	-
the lb.	0	1	3
the Produce of and imported from any British Possession	-	-	-
the lb.	0	0	1
Mastic	-	-	-
the cwt.	0	6	0
Mats, viz.			
of Bast	-	-	-
the 100	1	3	9
imported from any British Possession,			
for every 100l. of the Value	5	0	0
not otherwise enumerated or described,			
for every 100l. of the Value	20	0	0
Matting	-	-	-
for every 100l. of the Value	20	0	0
imported from any British Possession,			
for every 100l. of the Value	5	0	0
Mattresses	-	-	-
for every 100l. of the Value	20	0	0
Mead or Metheglin	-	-	-
the Gallon	0	6	7
Medals of Gold or Silver	-	-	-
Free.			
of any other Sort	-	-	-
for every 100l. of the Value	5	0	0
Medlars	-	-	-
the Bushel	0	1	0
Melasses. <i>See</i> Sugar.			
Melting Pots for Goldsmiths. <i>See</i> Pots.			
Mercury, prepared	-	-	-
for every 100l. of the Value	30	0	0
Metal, viz.			
Bell Metal	-	-	-
the cwt.	1	0	0
Leaf Metal (except Leaf Gold)	-	-	-
the Packet containing 250 Leaves	0	0	3
Metheglin. <i>See</i> Mead.			
Mill Boards	-	-	-
the cwt.	3	8	2
Minerals not otherwise enumerated or described,			
for every 100l. of the Value	20	0	0
Specimens of. <i>See</i> Specimens.			
Models of Cork or Wood	-	-	-
for every 100l. of the Value	5	0	0
Moss, viz.			
Lichen Islandicus	-	-	-
the lb.	0	0	1
Rock, for Dyers Use	-	-	-
the Ton	0	5	0
not otherwise charged	-	-	-
for every 100l. of the Value	5	0	0
Mother of Pearl Shells	-	-	-
for every 100l. of the Value	5	0	0
Mules	-	-	-
each	0	10	0
Mum. <i>See</i> Beer			

		£	s.	d.
Musical Instruments	- - for every 100℥ of the Value	20	0	0
Musk	- - - - - the oz.	0	0	6
Myrrh	- - - - - the cwt.	0	6	0

N.

Natron. *See* Alkali.

Needle Work. *See* Embroidery.

Nets, *viz.* old Fishing Nets, fit only for making Paper or Pasteboard. *See* Rags.

Nicaragua Wood	- - - - - the Ton	0	5	0
Nitre, <i>viz.</i> Cubic Nitre	- - - - - the cwt.	0	0	6
Nutmegs	- - - - - the lb.	0	3	6
— the Produce of and imported from any British Possession	- - - - - the lb.	0	2	6
— imported from any British Possession within the Limits of the East India Company's Charter, the lb.		0	2	6

Nuts, *viz.*

— Cashew Nuts and Kernels	- - - - - the cwt.	0	10	0
— Castor Nuts or Seeds	- - - - - the cwt.	0	0	6
— Coker or Coco Nuts, the Produce of any British Possession	- - - - - the 1,200 Nuts	0	1	0
— Chesnuts	- - - - - the Bushel	0	2	0
— Pistachio Nuts	- - - - - the cwt.	0	10	0
— Small Nuts	- - - - - the Bushel	0	2	0
— Walnuts	- - - - - the Bushel	0	2	0
— Nuts not otherwise enumerated or described, for every 100℥ of the Value		20	0	0
Nux Vomica	- - - - - the lb.	0	2	6
— Extract or Preparation of. <i>See</i> Extract.				

O.

Oakum	- - - - - the cwt.	0	0	1
Ochre	- - - - - the cwt.	0	1	0
Oil, <i>viz.</i>				
— of Almonds	- - - - - the lb.	0	0	10
— of Bays	- - - - - the lb.	0	0	3
— of Castor	- - - - - the lb.	0	1	0
— - - - - imported from any British Possession	- - - - - the lb.	0	0	3
— - - - - the Produce of and imported from any British Possession	- - - - - the cwt.	0	2	6
— Chemical, Essential, or Perfumed, <i>viz.</i>				
— - - - - of Caraway	- - - - - the lb.	0	4	0
— - - - - of Cloves	- - - - - the lb.	0	14	0
— - - - - of Lavender	- - - - - the lb.	0	4	0
— - - - - of Mint	- - - - - the lb.	0	4	0
— - - - - of Peppermint	- - - - - the lb.	0	4	0
— - - - - of Spike	- - - - - the lb.	0	4	0
— - - - - Cassia, Bergamot, Lemon, Otto of Roses, Thyme, and of all other Sorts	- - - - - the lb.	0	1	4
— of Cocoa Nut	- - - - - the cwt.	0	2	6
— Fish Oil. <i>See</i> Train Oil, in Oil.				
— of Hemp Seed	- - - - - the Tun	39	18	0
— - - imported from any British Possession	- - - - - the Tun	1	0	0

		£	s.	d.
Oil, <i>continued.</i>				
— of Linseed	- - - - - the Tun	39	18	0
- - - imported from any British Possession	- the Tun	1	0	0
— of Olives	- - - - - the Tun	8	8	0
- - - imported in a Ship belonging to any of the Subjects of the King of the Two Sicilies	- the Tun	10	10	0
— of Palm	- - - - - the cwt.	0	2	6
— of Paran	- - - - - the Tun	8	8	0
— of Rape Seed	- - - - - the Tun	39	18	0
- - - imported from any British Possession	- the Tun	1	0	0
— Rock Oil	- - - - - the lb.	0	0	10
— Seal Oil. <i>See Train Oil, in Oil.</i>				
— Seed Oil not otherwise enumerated or described	the Tun	39	18	0
- - - imported from any British Possession	- the Tun	1	0	0
— Seed Cakes	- - - - - the cwt.	0	0	2
— of Spermaceti. <i>See Train Oil, in Oil.</i>				
— Train Oil, Blubber, Spermaceti Oil, and Head Matter, <i>viz.</i>				
- - - - the Produce of Fish or Creatures living in the Sea, taken and caught by the Crews of British Ships, and imported direct from the Fishery, or from any British Possession, in a British Ship,	the Tun	0	1	0
- - - - the Produce of Fish or Creatures living in the Sea, of Foreign Fishing	- the Tun	26	12	0
— Walnut Oil	- - - - - the lb.	0	0	6
— Whale Oil. <i>See Train Oil, in Oil.</i>				
— Oil not particularly enumerated or described, nor otherwise charged with Duty - for every 100 <i>l.</i> of the Value		50	0	0
Olibanum	- - - - - the cwt.	0	6	0
Olives	- - - - - the Gallon	0	2	0
Olive Wood	- - - - - the Ton	8	9	6
— the Produce of and imported from any British Possession	- the Ton	0	12	4
Onions	- - - - - the Bushel	0	3	0
Opium	- - - - - the lb.	0	4	0
— Extract or Preparation of. <i>See Extract.</i>				
Orange Flower Water	- - - - - the Gallon	0	3	9
Oranges and Lemons, <i>viz.</i>				
— the Chest or Box, not exceeding the Capacity of 5,000 Cubic Inches	- - - - -	0	2	6
— the Chest or Box exceeding the Capacity of 5,000 Cubic Inches and not exceeding 7,300 Cubic Inches	- - - - -	0	3	9
— the Chest or Box exceeding the Capacity of 7,300 Cubic Inches and not exceeding 14,000 Cubic Inches	- - - - -	0	7	6
— for every 1,000 Cubic Inches exceeding the above Rate of 14,000 Cubic Inches	- - - - -	0	0	7½
— loose	- - - - - the 1,000	0	15	0
— Or, and at the Option of the Importer,				
— for every 100 <i>l.</i> of the Value		75	0	0
— Peel of	- - - - - the lb.	0	0	6
Orchal, Orchelina, or Archelia	- - - - - the cwt.	0	3	0
Ore not particularly charged - for every 100 <i>l.</i> of the Value		5	0	0
— of Gold or Silver. <i>See Bullion.</i>				
— Specimens of. <i>See Specimens.</i>				

		£	s.	d.
Orpiment	- - - - - the cwt.	1	8	6
Orris or Iris Root	- - - - - the cwt.	0	10	0
Orsedew	- - - - - the lb.	0	0	6
Otto or Attar or Oil of Roses. See Oil.				

P.

Paddy. See Rice.

Painters Colours not particularly charged, viz.

unmanufactured	- for every 100l. of the Value	5	0	0
manufactured	- for every 100l. of the Value	10	0	0
Paintings on Glass	- for every 100l. of the Value	5	0	0
- - - and further	- for every cwt. of Glass	4	0	0

Paper, viz.

Brown Paper made of old Rope or Cordage only, without separating or extracting the Pitch or Tar therefrom, and without any Mixture of other Materials therewith	- - - the lb.	0	0	3
printed, painted, or stained Paper, or Paper Hangings, or Flock Paper	- the Square Yard	0	1	0
waste Paper, or Paper of any other Sort, not particularly enumerated or described, nor otherwise charged with Duty	- - - the lb.	0	0	9
Parchment	- - - the Dozen Sheets	0	10	0
Pasteboards	- - - the cwt.	3	8	2
Pearl Barley	- - - the cwt.	0	17	6
Pearls	- - - for every 100l. of the Value	5	0	0
Pears	- - - the Bushel	0	7	6
dried	- - - the Bushel	0	10	0
Pencils	- - - for every 100l. of the Value	30	0	0
of Slate	- - - for every 100l. of the Value	20	0	0
Pens	- - - for every 100l. of the Value	30	0	0
Pepper of all Sorts	- - - the lb.	0	1	6
the Produce of and imported from any British Possession	- - - the lb.	0	1	0
imported from any British Possession within the Limits of the East India Company's Charter	- the lb.	0	1	0
imported from any other Place within those Limits	the lb.	0	1	2

Perfumery not otherwise charged, for every 100l. of the Value 20 0 0

Perry - - - the Tun 22 13 8

Pewter, Manufactures of, not otherwise enumerated or described - for every 100l. of the Value 20 0 0

Pickles of all Sorts not otherwise enumerated or described, including the Vinegar - the Gallon 0 1 6

Pictures - - - each 0 1 0

- - - and further - the Square Foot 0 1 0

being 200 Square Feet or upwards - each 10 0 0

Pimento - - - the lb. 0 1 3

the Produce of and imported from any British Possession - the lb. 0 0 5

Pink Root - - - the lb. 0 0 4

Pitch - - - the cwt. 0 0 10

the Produce of any British Possession - the cwt. 0 0 9

Burgundy Pitch - - - the cwt. 0 8 0

Jews Pitch. See Bitumen Judaicum.

		£	s.	d.
Plants, Shrubs, and Trees	- - - - -	Free.		
Plaster of Paris	- - - - - the cwt.	0	1	0
Plate, viz.				
— battered, fit only to be remanufactured.	See Bullion.			
— of Gold	- - - - - the oz. Troy	3	16	9
— of Silver gilt	- - - - - the oz. Troy	0	6	4
— - - - Part gilt	- - - - - the oz. Troy	0	6	0
— - - - ungilt	- - - - - the oz. Troy	0	4	6
Platina and Ore of Platina	- for every 100 <i>l.</i> of the Value	1	0	0
Platting or other Manufactures to be used in or proper for making Hats or Bonnets, viz.				
— of Bast, Chip, Cane, or Horse Hair	- - - - - the lb.	1	0	0
— of Straw	- - - - - the lb.	0	17	0
Plums, dried or preserved	- - - - - the cwt.	1	7	6
Pomatum	- - - - - for every 100 <i>l.</i> of the Value	30	0	0
Pomegranates	- - - - - the 1,000	0	15	0
— Peels of	- - - - - the cwt.	0	1	0
Poppies Head.	See Capita Papaverum.			
Pork, salted (not Hams nor Bacon, which see)	- - - - - the cwt.	0	12	0
Potatoes	- - - - - the cwt.	0	2	0
Pots, viz.				
— Melting Pots for Goldsmiths	- - - - - the 100	0	3	2
— of Stone	- - - - - for every 100 <i>l.</i> of the Value	30	0	0
Powder, viz.				
— Hair Powder	- - - - - the cwt.	9	15	0
— - - - perfumed	- - - - - the cwt.	13	13	0
— Powder, not otherwise enumerated or described, that will serve for the same Uses as Starch	- - - - - the cwt.	9	10	0
Precious Stones.	See Jewels.			
Prints and Drawings	- - - - - each	0	0	1
— coloured	- - - - - each	0	0	2
Prunelloes	- - - - - the cwt.	1	7	6
Prunes	- - - - - the cwt.	1	7	6

Q.

Quassia	- - - - - the cwt.	8	17	6
— Extract or Preparation of.	See Extract.			
Quicksilver	- - - - - the lb.	0	0	1
Quills, viz.				
— Goose Quills	- - - - - the 1,000	0	2	6
— Swan Quills	- - - - - the 1,000	0	12	0
Quinces	- - - - - the 1,000	0	1	0
Quinine, Sulphate of	- - - - - the oz.	0	0	1

R.

Radix, viz.				
— Contrayervæ	- - - - - the lb.	0	0	2
— Enulæ Campanæ	- - - - - the cwt.	0	13	6
— Eringii	- - - - - the lb.	0	0	6
— Ipecacuanhæ	- - - - - the lb.	0	1	0
— Rhatanæ	- - - - - the lb.	0	0	1
— - - - Extract or Preparation of.	See Extract.			
— Senekæ	- - - - - the lb.	0	0	2
— Serpentariæ or Snake Root	- - - - - the lb.	0	0	2

		£	s.	d.
<i>Rags, viz.</i>				
— old Rags, old Ropes or Junk, or old Fishing Nets, fit only for making Paper or Pasteboard	the Ton	0	5	0
— Woollen Rags fit only for Manure	the Ton	0	1	0
<i>Raisins, viz.</i>				
— of the Sun	the cwt.	2	2	6
— of any other Sort	the cwt.	1	0	0
— of all Sorts, the Produce of and imported from any British Possession	the cwt.	0	10	0
Rape Cakes	the cwt.	0	0	2
Rape of Grapes	the Tun	13	6	0
Ratafia. <i>See</i> Spirits.				
Red Wood or Guinea Wood	the Ton	0	5	0
Rhatany Root. <i>See</i> Radix Rhatanizæ.				
Rhubarb	the lb.	0	1	0
<i>Rice, viz.</i>				
— not being rough and in the Husk	the cwt.	0	15	0
— rough and in the Husk or Paddy	the Bushel	0	2	6
— the Produce of and imported from any British Possession, <i>viz.</i>				
— - - not being rough and in the Husk	the cwt.	0	1	0
— - - rough and in the Husk or Paddy	the Quarter	0	0	1
Rocou: <i>See</i> Annotto.				
Ropes, new, <i>see</i> Cordage; old, <i>see</i> Rags; Coir, <i>see</i> Coir.				
Rosewood	the cwt.	0	10	0
Rosin or Colophonia	the cwt.	0	4	9
— the Produce of and imported from any British Possession	the cwt.	0	3	2
Rubies. <i>See</i> Jewels				
S.				
Saccharum Saturni	the lb.	0	0	10
Safflower	the cwt.	0	1	0
Saffron	the lb.	0	1	0
Sago	the cwt.	0	1	0
Sails. <i>See</i> Linen.				
<i>Sal, viz.</i>				
— Ammoniac	the cwt.	0	1	0
— Limonum	the lb.	0	4	9
— Prunelle	the cwt.	0	1	0
Salep or Salop	the cwt.	0	1	0
Salt				Free.
Saltpetre	the cwt.	0	0	6
Sanguis Draconis	the cwt.	0	4	0
Santa Maria Wood	for every 100l. of the Value	20	0	0
Sapan Wood	the Ton	0	1	0
Sarsaparilla	the lb.	0	0	6
Sassafras	the cwt.	0	2	0
Saunders, Red	the Ton	0	1	0
— White or Yellow	the cwt.	0	1	0
Sausages or Puddings	the lb.	0	0	4
Scaleboards	the cwt.	3	8	2
Scammony	the lb.	0	2	6
<i>Seed, viz.</i>				
— Acorns	the Bushel	0	1	0
— Ammi or Ammios Seed	the lb.	0	0	6

Seed, *continued*.

		£	s.	d.
— Aniseed	- - - - - the cwt.	0	5	0
— Burnet Seed	- - - - - the cwt.	1	0	0
— Canary Seed	- - - - - the cwt.	3	0	0
— Caraway Seed	- - - - - the cwt.	1	10	0
— Carrot Seed	- - - - - the lb.	0	0	9
— Carthamus Seed	- - - - - the lb.	0	0	6
— Castor Seed.	<i>See Nuts.</i>			
— Cevadilla Seed.	<i>See Sabadilli Seed.</i>			
— Clover Seed	- - - - - the cwt.	1	0	0
— Cole Seed	- - - - - the Quarter	0	1	0
— Coriander Seed	- - - - - the cwt.	0	15	0
— Cummin Seed	- - - - - the cwt.	0	2	0
— Fennel Seed	- - - - - the cwt.	0	2	0
— Fennugreek Seed	- - - - - the cwt.	0	9	6
— Flax Seed	- - - - - the Quarter	0	1	0
— Forest Seed	- - - - - the lb.	0	0	6
— Garden Seed not particularly enumerated or described, nor otherwise charged with Duty	- - - - - the lb.	0	0	6
— Grass Seed of all Sorts	- - - - - the cwt.	1	0	0
— Hemp Seed	- - - - - the Quarter	0	1	0
— Leek Seed	- - - - - the lb.	0	1	6
— Lettuce Seed	- - - - - the Quarter	0	1	0
— Linseed	- - - - - the Quarter	0	1	0
— Lucerne Seed	- - - - - the cwt.	1	0	0
— Maw Seed	- - - - - the cwt.	3	0	0
— Millet Seed	- - - - - the cwt.	0	11	6
— Mustard Seed	- - - - - the Bushel	0	8	0
— Onion Seed	- - - - - the lb.	0	1	6
— Parsley Seed	- - - - - the lb.	0	0	1
— Piony or Peony Seed	- - - - - the lb.	0	0	6
— Quince Seed	- - - - - the lb.	0	3	0
— Rape Seed	- - - - - the Quarter	0	1	0
— Sabadilla or Cevadilla Seed	- - - - - the lb.	0	1	0
— Shrub or Tree Seed not otherwise enumerated	- - - - - the lb.	0	0	6
— Trefoil Seed	- - - - - the cwt.	1	0	0
— Worm Seed	- - - - - the cwt.	0	2	6
— All Seeds not particularly enumerated or described, nor otherwise charged with Duty, commonly made use of for extracting Oil therefrom	- - - - - the Quarter	0	1	0
— All other Seed not particularly enumerated or described, nor otherwise charged with Duty, for every 100l. of the Value		30	0	0
<i>Segars. See Tobacco, manufactured.</i>				
— Sena	- - - - - the lb.	0	0	6
<i>Shaving for Hats. See Platting.</i>				
<i>Ships to be broken up, with their Tackle, Apparel, and Furni- ture (except Sails), viz:</i>				
— Foreign Ships or Vessels	- for every 100l. of the Value	50	0	0
— British Ships or Vessels entitled to be registered as such, not having been built in the United Kingdom, for every 100l. of the Value		15	0	0
<i>Shrubs, See Plants.</i>				
— Shumack	- - - - - the Ton	0	1	0
<i>Silk, viz.</i>				
— Knubs or Husks of Silk, and Waste Silk	- the cwt.	0	1	0

		£	s.	d.
Silk, continued.				
—	Raw Silk - - - - - the lb.	0	0	1
—	Thrown Silk, not dyed, viz.			
	- - - - Singles - - - - - the lb.	0	1	6
	- - - - Tram - - - - - the lb.	0	2	0
	- - - - Organzine and Crape Silk - - - the lb.	0	3	6
—	Thrown Silk, dyed, viz.			
	- - - - Singles or Tram - - - - - the lb.	0	3	0
	- - - - Organzine or Crape Silk - - - the lb.	0	5	2
—	Manufactures of Silk, or of Silk mixed with any other Material, the Produce of Europe, viz.			
	- - - Silk or Satin, plain - - - - - the lb.	0	11	0
	- - - or, and at the Option of the Officers of the Customs - for every 100l. of the Value	25	0	0
	- - - Silk or Satin, figured or brocaded - the lb.	0	15	0
	- - - or, and at the Option of the Officers of the Customs - for every 100l. of the Value	30	0	0
	- - - Gauze, plain - - - - - the lb.	0	17	0
	- - - or, and at the Option of the Officers of the Customs - for every 100l. of the Value	30	0	0
	- - - Gauze, striped, figured, or brocaded - the lb.	1	7	6
	- - - or, and at the Option of the Officers of the Customs - for every 100l. of the Value	30	0	0
	- - - Crape, plain - - - - - the lb.	0	16	0
	- - - or, and at the Option of the Officers of the Customs - for every 100l. of the Value	30	0	0
	- - - Crape, figured - - - - - the lb.	0	18	0
	- - - or, and at the Option of the Officers of the Customs - for every 100l. of the Value	30	0	0
	- - - Velvet, plain - - - - - the lb.	1	2	0
	- - - or, and at the Option of the Officers of the Customs - for every 100l. of the Value	30	0	0
	- - - Velvet, figured - - - - - the lb.	1	7	6
	- - - or, and at the Option of the Officers of the Customs - for every 100l. of the Value	30	0	0
	- - - Ribbons, embossed or figured with Velvet - the lb.	0	17	0
	- - - or, and at the Option of the Officers of the Customs - for every 100l. of the Value	30	0	0
	- - - and further, if mixed with Gold, Silver, or other Metal, in addition to the above Rates, when the Duty is not charged according to the Value - - - - - the lb.	0	10	0
	- - - Fancy Silk, Net or Tricot - - - - - the lb.	1	4	0
	- - - Plain Silk Lace or Net, called Tulle, the Square Yard	0	1	4
—	Manufactures of Silk, or of Silk mixed with any other Material, the Produce of and imported from British Possessions within the Limits of the East India Company's Charter - - - for every 100l. of the Value	20	0	0
—	Millinery of Silk, or of which the greater Part of the Materials is of Silk, viz ^t .			
	- - - Turbans or Caps - - - - - each	0	15	0
	- - - Hats or Bonnets - - - - - each	1	5	0
	- - - Dresses - - - - - each	2	10	0
	- - - or, and at the Option of the Officers of the Customs - for every 100l. of the Value	40	0	0

Silk, *continued*.

	£	s.	d.
— Manufactures of Silk, or of Silk and any other Material, not particularly enumerated, or otherwise charged with Duty - - - for every 100 <i>l</i> . of the Value	30	0	0
— Articles of Manufacture of Silk, or of Silk and any other Material, wholly or in part made up, not particularly enumerated, or otherwise charged with Duty, for every 100 <i>l</i> . of the Value	30	0	0
Silk Worm Gut - - - for every 100 <i>l</i> . of the Value	20	0	0
Skins, Furs, Pelts, and Tails, <i>viz</i> .			
— Badger Skins, undressed - - - - - the Skin	0	0	6
— Bear Skins, undressed - - - - - the Skin	0	4	6
- - - - - undressed, imported from any British Possession in America - - - - - the Skin	0	2	6
— Beaver Skins, undressed - - - - - the Skin	0	0	8
- - - - - undressed, imported from any British Possession in America - - - - - the Skin	0	0	4
— Calabar Skins. <i>See</i> Squirrel Skins.			
— Calf Skins and Kip Skins, <i>viz</i> !			
- - - in the Hair, not tanned, tawed, curried, or in any way dressed, <i>viz</i> !			
- - - - - dry - - - - - the cwt.	0	4	8
- - - - - wet - - - - - the cwt.	0	2	4
- - - - - the Produce of and imported from the West Coast of Africa, each Skin not exceeding 7 lbs. Weight - - - - - the cwt.	0	2	4
- - - - - the Produce of and imported from any British Possession, <i>viz</i> !			
- - - - - dry - - - - - the cwt.	0	2	4
- - - - - wet - - - - - the cwt.	0	1	2
- - - tanned, and not otherwise dressed - - - the lb.	0	0	9
- - - - - the Produce of and imported from any British Possession - - - the lb.	0	0	4½
- - - - - cut or trimmed - - - the lb.	0	1	2
- - - - - the Produce of and imported from any British Possession - the lb.	0	0	7
- - - tawed, curried, or in any way dressed (not being tanned Hides) - - - the lb.	0	1	0
- - - - - the Produce of and imported from any British Possession - - - the lb.	0	0	6
- - - - - cut or trimmed - - - the lb.	0	1	6
- - - - - the Produce of and imported from any British Possession - the lb.	0	0	9
— Cat Skins, undressed - - - - - the Skin	0	0	1
— Chinchilla Skins, undressed - - - - - the Skin	0	0	3
— Coney Skins, undressed - - - - - the 100 Skins	0	1	0
— Deer Skins, undressed - - - - - the Skin	0	0	1
- - - - - undressed, the Produce of and imported from any British Possession in America, the 100 Skins	0	1	0
- - - - - Indian, half dressed - - - the Skin	0	0	2
- - - - - undressed or shaved - - - the Skin	0	0	1
— Dog Skins in the Hair, not tanned, tawed, or in any way dressed - - - - - the Dozen Skins	0	0	2
— Dog Fish Skins, undressed - - - the Dozen Skins	0	5	2

Skins, &c. *continued.*— Dog Fish Skins, *continued.*

		£	s.	d.
—	undressed, of British taking, and imported direct from Newfoundland,			
	the Dozen Skins	0	0	1
—	Elk Skins in the Hair, not tanned, tawed, curried, or in any way dressed	0	1	0
—	Ermine Skins, undressed	0	0	3
—	dressed	0	0	8
—	Fisher Skins, undressed	0	0	6
	undressed, imported from any British Possession in America	0	0	3
—	Fitch Skins, undressed	0	2	0
—	Fox Skins, undressed	0	0	8
	undressed, imported from any British Possession in America	0	0	4
	Tails, undressed for every 100l. of the Value	5	0	0
—	Goat Skins, <i>viz.</i>			
	raw or undressed	0	0	6
	tanned	2	0	0
—	Hare Skins, undressed	0	1	0
—	Husse Skins, undressed	0	0	6
—	Kangaroo Skins, raw and undressed, imported from any British Possession	5	0	0
	for every 100l. of the Value			
—	Kid Skins in the Hair, undressed	0	0	4
	dressed	0	10	0
	dressed, and dyed or coloured	0	15	0
—	Kip Skins. <i>See</i> Calf Skins.			
—	Kolinski Skins, undressed	0	0	3
—	Lamb Skins, <i>viz.</i>			
	undressed, in the Wool	0	0	4
	tanned or tawed	0	10	0
	tanned or tawed, and dyed or coloured,			
	the 100 Skins	0	15	0
	dressed in Oil	4	0	0
—	Leopard Skins, undressed	0	2	6
—	Lion Skins, undressed	0	1	0
—	Lynx Skins, undressed	0	0	6
—	Marten Skins, undressed	0	0	6
	undressed, imported from any British Possession	0	0	3
	Tails, undressed	0	5	0
—	Mink Skins, undressed	0	0	4
	undressed, imported from any British Possession in America	0	0	2
	dressed	0	2	0
—	Mole Skins, undressed	0	0	6
—	Musquash Skins, undressed	0	1	0
—	Nutrea Skins, undressed	0	1	0
—	Otter Skins, undressed	0	1	6
	undressed, imported from any British Possession in America	0	1	0
—	Ounce Skins, undressed	0	7	6
—	Panther Skins, undressed	0	2	6
—	Pelts of Goats, undressed	0	3	0
	dressed	0	6	0

Skins, &c. *continued.*

	£	s.	d.
— Pelts of all other Sorts, undressed - the 100 Pelts	0	17	0
— Racoon Skins, undressed - - - the Skin	0	0	2
- - - - - undressed, imported from any British Possession in America - the Skin	0	0	1
— Sable Skins, undressed - - - the Skin	0	2	6
- - - Tails or Tips of Sable, undressed - the Piece	0	0	3
— Seal Skins in the Hair, not tanned, tawed, or in any way dressed - - - the Skin	0	1	0
- - - - - of British taking - - the Dozen Skins	0	0	1
— Sheep Skins, <i>viz.</i>			
- - - - - undressed, in the Wool - the Dozen Skins	0	1	0
- - - - - tanned or tawed - the 100 Skins	2	0	0
- - - - - dressed in Oil - the 100 Skins	4	0	0
— Squirrel or Calabar Skins, <i>viz.</i>			
- - - - - undressed - - - the 100 Skins	0	11	6
- - - - - tawed - - - the 100 Skins	0	17	6
- - - - - Tails, undressed - for every 100l. of the Value	20	0	0
— Swan Skins, undressed - - - the Skin	0	1	0
— Tiger Skins, undressed - - - the Skin	0	2	6
— Weasel Skins, undressed - - the 100 Skins	0	4	9
— Wolf Skins, undressed - - - the Skin	0	0	6
- - - - - undressed, imported from any British Possession in America - the Skin	0	0	3
- - - - - tawed - - - the Skin	0	17	6
— Wolverings, undressed - - - the Skin	0	1	0
- - - - - undressed, imported from any British Possession in America - the Skin	0	0	6
— Skins and Furs, or Pieces of Skins and Furs, raw or undressed, not particularly enumerated or described, nor otherwise charged with Duty,			
for every 100l. of the Value	20	0	0
— Skins and Furs, or Pieces of Skins and Furs, tanned, tawed, curried, or in any way dressed, not particularly enumerated or described, nor otherwise charged with Duty,			
for every 100l. of the Value	30	0	0
— Articles manufactured of Skins or Furs,			
for every 100l. of the Value	75	0	0
Slate. <i>See</i> Stone.			
Smalts - - - - - the lb.	0	0	4
Snuff - - - - - the lb.	0	6	0
Soap, <i>viz.</i>			
— hard - - - - - the cwt.	4	10	0
— soft - - - - - the cwt.	3	11	3
— the Produce of and imported from any British Possession in the East Indies, <i>viz.</i>			
- - - hard - - - the cwt.	1	8	0
- - - soft - - - the cwt.	1	3	0
Soda. <i>See</i> Alkali.			
Spa Ware - - - for every 100l. of the Value	30	0	0
Specimens of Minerals, Fossils, or Ores not particularly enumerated or described, nor otherwise charged with Duty, each Specimen not exceeding in Weight 14 lbs.			Free.
— exceeding in Weight 14 lbs. each,			
for every 100l. of the Value	5	0	0

		£	s.	d.
Specimens illustrative of Natural History not otherwise enumerated or described		Free.		
Speckled Wood	the Ton	8	14	2
the Produce of and imported from any British Possession	the Ton	0	16	3
Spelter in Cakes	the cwt.	0	2	0
not in Cakes	the cwt.	0	10	0
Spermaceti, fine	the lb.	0	1	6
Spirits or Strong Waters of all Sorts, viz ^t .				
For every Gallon of such Spirits or Strong Waters of any Strength not exceeding the Strength of Proof by Sykes's Hydrometer, and so in proportion for any greater Strength than the Strength of Proof, and for any greater or less Quantity than a Gallon, viz ^t .				
- - - not being Spirits or Strong Waters, the Produce of any British Possession in America, or any British Possession within the Limits of the East India Company's Charter, and not being sweetened Spirits, or Spirits mixed with any Article, so that the Degree of Strength thereof cannot be exactly ascertained by such Hydrometer		1	2	6
- - - Spirits or Strong Waters, the Produce of any British Possession in America, not being sweetened Spirits or Spirits so mixed as aforesaid		0	9	0
- - - Spirits or Strong Waters, the Produce of any British Possession within the Limits of the East India Company's Charter, not being sweetened Spirits or Spirits so mixed as aforesaid		0	15	0
- - - Spirits, Cordials, or Strong Waters respectively (not being the Produce of any British Possession in America), sweetened or mixed with any Article, so that the Degree of Strength thereof cannot be exactly ascertained by such Hydrometer		1	10	0
- - - Spirits, Cordials, or Strong Waters respectively, being the Produce of any British Possession in America, sweetened or mixed with any Article, so that the Degree of Strength thereof cannot be exactly ascertained by such Hydrometer		1	0	0
- - - Rum Shrub, however sweetened, the Produce of and imported from any British Possession in America,	the Gallon	0	9	0
Sponge	the lb.	0	0	6
the Produce of and imported from any British Possession	the lb.	0	0	1
Squills, dried	the cwt.	0	8	0
not dried	the cwt.	0	1	0
Starch	the cwt.	9	10	0
Stavesacre	the cwt.	0	4	0
Steel, unwrought, prepared in and imported from any British Possession in Asia, Africa, or America	the Ton	0	1	0
or any Manufactures of Steel not otherwise enumerated or described	for every 100 ^l . of the Value	20	0	0
Stibium. See Antimony.				
Sticks, viz. Walking Sticks. See Canes.				

Stone, viz.				£	s.	d.
—	Burrs for Mill Stones	-	-	the 100	0	10 0
—	Dog Stones, not exceeding 4 Feet in Diameter, above 6 and under 12 Inches in Thickness	-	-	the Pair	6	3 6
—	Emery Stones	-	-	the Ton	0	1 0
—	Filtering Stones	-	for every 100l. of the Value		50	0 0
—	Flint Stones, Felspar, and other Stones for Potters				Free.	
—	Grave Stones of Marble, viz.					
- - -	polished, each not containing more than 2 Feet Square	-	the Foot Square, Superficial Measure		0	2 6
- - -	unpolished	-	the Foot Square, Superficial Measure		0	0 10
—	Grave Stones not of Marble, polished or unpolished, the Foot Square, Superficial Measure				0	0 6
—	Lime Stone	-	-	-	Free.	
—	Marble, rough, Blocks or Slabs	-	-	-	Free.	
—	Marble in any way manufactured, (except Grave Stones and Paving Stones, each not containing more than 2 Feet Square)	-	-	the cwt.	0	3 0
—	Marble Paving Stones, each not containing more than 2 Feet Square, viz.					
- - -	polished	-	the Foot Square, Superficial Measure		0	0 10
- - -	rough	-	the Foot Square, Superficial Measure		0	0 6
—	Mill Stones above 4 Feet in Diameter, or if 12 Inches in Thickness or upwards	-	-	the Pair	11	8 0
—	Paving Stones, not of Marble, the 100 Feet Square, Superficial Measure				0	12 0
—	Pebble Stones	-	-	-	Free.	
—	Polishing Stones	-	for every 100l. of the Value		5	0 0
—	Pumice Stones	-	-	the Ton	0	5 0
—	Quern Stones, viz. under 3 Feet in Diameter, and not exceeding 6 Inches in Thickness	-	-	the Pair	0	8 9
- - -	3 Feet in Diameter and not above 4 Feet in Diameter, and not exceeding 6 Inches in Thickness, the Pair				0	17 6
—	Rag Stones	-	for every 100l. of the Value		20	0 0
—	Slates, not otherwise enumerated or described, for every 100l. of the Value				66	10 0
—	Slates in Frames	-	-	the Dozen	0	3 0
—	Slick Stones	-	-	the 100	0	8 0
—	Stone sculptured, or Mosaic Work	-	-	the cwt.	0	2 6
—	Stone to be used for the Purpose of Lithography	-	-		Free.	
—	Whet Stones	-	-	the 100	0	8 9
—	Stones not particularly enumerated or described, nor otherwise charged with Duty, for every 100l. of the Value				20	0 0

Note.—If any Statue, Group of Figures, or other Stone or Marble Ornament, carved out of the same Block, shall exceed One Ton Weight, the Duty to be charged thereon shall be estimated at the Rate payable for One Ton Weight and no more.

Storax or Styra. See Gum.

Straw or Grass for Platting	-	-	-	the cwt.	0	0 1
Succades	-	-	-	the lb.	0	1 3
— the Produce of and imported from any British Possession	-	-	-	the lb.	0	0 1

Sugar, viz.

	£	s.	d.
— Brown or Muscovado or Clayed, not being refined, until the 5th Day of April 1834 - the cwt.	3	3	0
- - - the Growth, Produce, or Manufacture of any British Possession within the Limits of the East India Company's Charter, and imported from thence - the cwt.	1	12	0
- - - the Growth, Produce, or Manufacture of any British Possession in America, and imported from thence - the cwt.	1	4	0
— Melasses - the cwt.	1	3	9
- - - the Produce of and imported from any British Possession - the cwt.	0	9	0
— refined - the cwt.	8	8	0
— Candy, Brown - the cwt.	5	12	0
— White - the cwt.	8	8	0
Sulphur Impressions - for every 100 <i>l.</i> of the Value	5	0	0
— Vivum. See Brimstone.			
Sweep-washers Dirt, containing Bullion. See Bullion.			
Sweet Wood - the Ton	10	13	0
— the Produce of and imported from any British Possession, the Ton	0	16	3

T.

Tails, viz.

— Buffalo, Bull, Cow, or Ox Tails - the 100	0	6	0
— Fox Tails,	} See Skins.		
— Marten Tails,			
— Sable Tails,			
— Squirrel or Calabar Tails,			
Talc - the lb.	0	0	8
Tallow - the cwt.	0	3	2
— imported from any British Possession in Asia, Africa, or America - the cwt.	0	1	0
Tamarinds - the lb.	0	0	8
— the Produce of and imported from any British Possession - the lb.	0	0	1
Tapioca - the cwt.	0	1	0
Tar - the Last containing 12 Barrels, each Barrel not exceeding 31½ Gallons	0	15	0
— the Produce of and imported from any British Possession, the Last containing 12 such Barrels	0	12	0
— Barbadoes Tar - the cwt.	0	2	6
Tares - the Quarter	0	10	0
Tarras - the Bushel	0	1	3
Tartaric Acid - the lb.	0	0	4
Tea, subject only to the Duty of Excise.			
Teasles - the 1,000	0	1	0
Teeth, viz. Elephants, Sea Cow, Sea Horse, or Sea Morse			
Teeth - the cwt.	1	0	0
Telescopes - for every 100 <i>l.</i> of the Value	30	0	0
Terra, viz.			
— Japonica or Catechu - the cwt.	0	1	0
— Sienna - the cwt.	0	4	0

		£	s.	d.
<i>Terra, continued.</i>				
Umbra	- - - - - the cwt.	0	4	0
Verde	- - - - - the cwt.	0	1	0
<i>Thread, viz.</i>				
Bruges Thread	- - - - - the Dozen lbs.	0	15	0
Cotton Thread.	<i>See Cotton Manufactures.</i>			
Outnal Thread	- - - - - the Dozen lbs.	0	15	0
Pack Thread	- - - - - the cwt.	0	15	0
Sisters Thread	- - - - - the lb.	0	4	0
Whited Brown Thread	- - - - - the Dozen lbs.	0	18	0
not otherwise enumerated or described,				
	for every 100ℓ. of the Value	25	0	0
Tiles	- - - - - for every 100ℓ. of the Value	50	0	0
Dutch Tiles	- - - - - for every 100ℓ. of the Value	15	0	0
Tin	- - - - - the cwt.	2	10	0
Manufactures of, not otherwise enumerated or described,				
	for every 100ℓ. of the Value	20	0	0
Ore	- - - - - for every 100ℓ. of the Value	20	0	0
<i>Tincal. See Borax.</i>				
Tin Foil	- - - - - for every 100ℓ. of the Value	25	0	0
<i>Tobacco, viz.</i>				
unmanufactured	- - - - - the lb.	0	3	0
- - - the Produce of and imported from any British Possession in America	- - - - - the lb.	0	2	9
manufactured, or Segars	- - - - - the lb.	0	9	0
(Manufactured in the United Kingdom at or within Two Miles of any Port into which Tobacco may be imported, made into Shag, Roll, or Carrot Tobacco, Drawback upon Exportation, the lb. 2s. 7½d.)				
Tobacco Pipes	- - - - - for every 100ℓ. of the Value	30	0	0
Tongues	- - - - - the Dozen	0	3	0
Tornsal or Turnsole	- - - - - the cwt.	0	5	0
Tortoisheshell or Turtleshell, unmanufactured	- - - - - the lb.	0	2	0
imported from any British Possession				
	- - - - - the lb.	0	0	1
<i>Tow. See Flax.</i>				
Toys	- - - - - for every 100ℓ. of the Value	20	0	0
<i>Trees. See Plants.</i>				
Truffles	- - - - - the lb.	0	1	0
Turmerick	- - - - - the cwt.	0	10	0
imported from any British Possession				
	- - - - - the cwt.	0	2	4
Turnery not otherwise enumerated or described,				
	for every 100ℓ. of the Value	30	0	0
<i>Turnsole. See Tornsal.</i>				
<i>Turpentine, viz.</i>				
not being of greater Value than 12s. thereof				
	- - - - - the cwt.	0	4	4
being of greater Value than 12s. and not of greater Value than 15s. the cwt. thereof				
	- - - - - the cwt.	0	5	4
being of greater Value than 15s. the cwt. thereof				
	- - - - - the cwt.	1	6	2
of Venice, Scio, or Cyprus				
	- - - - - the lb.	0	0	10
Twine	- - - - - the cwt.	1	11	0

V.

		£	s.	d.
Valonia	- - - - - the cwt.	0	1	0
Vanelloes	- - - - - the lb.	0	5	0
Varnish not otherwise enumerated or described,				
	for every 100 <i>l.</i> of the Value	30	0	0
Vases, ancient, not of Stone or Marble,				
	for every 100 <i>l.</i> of the Value	5	0	0
Vellum	- - - - - the Skin	0	7	2
Verdegris	- - - - - the lb.	0	1	0
Verjuice	- - - - - the Tun	73	12	9
Vermicelli	- - - - - the lb.	0	0	2
Vermillion	- - - - - the lb.	0	0	6
Vinegar or Acetous Acid	- - - - - the Tun	18	18	0

W.

Wafers	- - - - - the lb.	0	1	3
Washing Balls	- - - - - the lb.	0	1	8
Watches of Gold, Silver, or other Metal,				
	for every 100 <i>l.</i> of the Value	25	0	0
Water, viz.				
— Arquebusade,	} See Spirits.			
— Citron,				
— Cordial,				
— Hungary,				
— Lavender,				
— Cologne Water, the Flask (Thirty of such Flasks containing not more than One Gallon)	- - -	0	1	0
— Mineral or Natural Water, the Dozen Bottles or Flasks (each Bottle or Flask not exceeding Three Pints)	-	0	4	0
— Strong Water.	See Spirits.			
Wax, viz.				
— Bees Wax, viz.				
— - - unbleached	- - - the cwt.	1	10	0
— - - in any Degree bleached	- - - the cwt.	3	0	0
— - - imported from any British Possession in Asia, Africa, or America, viz.				
— - - unbleached	- - - the cwt.	0	10	0
— - - in any Degree bleached	- - - the cwt.	1	0	0
— Myrtle Wax	- - - the lb.	0	1	0
— Sealing Wax	- - - for every 100 <i>l.</i> of the Value	30	0	0
Weld	- - - the cwt.	0	1	0
Whale Fins	- - - the Ton	95	0	0
— taken and caught by the Crew of a British Ship, and imported direct from the Fishery, or from any British Possession, in a British Ship	- - - the Ton	1	0	0
Whipcord	- - - the lb.	0	1	0
Wine, viz.				
— French, Canary, Fayal, Madeira, Portugal, Spanish, and other Wines not enumerated	- - - the Gallon	0	5	6
— the Produce of His Majesty's Settlement of the Cape of Good Hope, or the Territories or Dependencies thereof, imported directly from thence	- - - the Gallon	0	2	9
— (The full Duties on Wine are drawn back upon Exportation.)				

Wine, *continued*.

— Lees, subject to the same Duty as Wine, but no Draw-back is allowed on the Lees of Wine exported.

Wire, *viz.*

— Brass or Copper	- - - the cwt.	2	10	0
— Gilt or Plated	- - for every 100 <i>l.</i> of the Value	25	0	0
— Iron	- - - the cwt.	1	0	0
— Latten	- - - the cwt.	1	0	0
— Silver	- - for every 100 <i>l.</i> of the Value	25	0	0
— Steel	- - - the lb.	0	1	10
Wood	- - - the cwt.	0	1	0

Wood, *viz.*

— Anchor Stocks	- - - the Piece	0	8	4
- - - imported from any British Possession in America,	the Piece	0	0	10

— Balks, *viz.*

- - - under 5 Inches Square, and under 24 Feet in Length	- - - the 120	18	2	7
- - - under 5 Inches Square, and 24 Feet in Length or upwards	- - - the 120	27	0	0
- - - 5 Inches Square or upwards are subject and liable to the Duties payable on Fir Timber.				
— Balks imported from any British Possession in America, <i>viz.</i>				
- - - under 5 Inches Square, and under 24 Feet in Length	- - - the 120	3	5	0
- - - under 5 Inches Square, and 24 Feet in Length or upwards	- - - the 120	4	17	6
- - - 5 Inches Square or upwards are subject and liable to the Duties payable on Fir Timber.				

— Battens imported into Great Britain, *viz.*

- - - 6 Feet in Length and not exceeding 16 Feet in Length, not above 7 Inches in Width, and not above 2½ Inches in Thickness	- the 120	10	0	0
- - - exceeding 16 Feet in Length and not exceeding 21 Feet in Length, not above 7 Inches in Width, and not exceeding 2½ Inches in Thickness	- the 120	11	10	0
- - - exceeding 21 Feet in Length and not exceeding 45 Feet in Length, not above 7 Inches in Width, and not exceeding 2½ Inches in Thickness,	the 120	20	0	0
- - - exceeding 45 Feet in Length, or above 2½ Inches in Thickness (not being Timber 8 Inches Square)	the Load, containing 50 Cubic Feet	2	10	0
- - - and further	- - - the 120	6	0	0

— Battens of the Growth and Produce of any British Possession in America, and imported directly from thence into Great Britain, *viz.*

- - - 6 Feet in Length and not exceeding 16 Feet in Length, not above 7 Inches in Width, and not exceeding 2½ Inches in Thickness,	the 120	1	0	0
- - - exceeding 16 Feet in Length and not exceeding 21 Feet in Length, and not above 7 Inches in Width, and not exceeding 2½ Inches in Thickness	- - - the 120	1	3	0

Wood, *continued.*

	£	s.	d.
—— Battens of the Growth and Produce of any British Possession in America, &c.— <i>continued.</i>			
- - - exceeding 21 Feet in Length, not above 7 Inches in Width, or if exceeding 2½ Inches in Thickness - - - the 120	2	0	0
—— Battens imported into Ireland, <i>viz.</i>			
- - - 8 Feet in Length and not exceeding 12 Feet in Length, not above 7 Inches in Width, and not exceeding 3½ Inches in Thickness - - - the 120	8	6	3
- - - exceeding 12 Feet in Length and not exceeding 14 Feet in Length, not above 7 Inches in Width, and not exceeding 3½ Inches in Thickness - - - the 120	9	14	0
- - - exceeding 14 Feet in Length and not exceeding 16 Feet in Length, not above 7 Inches in Width, and not exceeding 3½ Inches in Thickness - - - the 120	11	1	8
- - - exceeding 16 Feet in Length and not exceeding 18 Feet in Length, not above 7 Inches in Width, and not exceeding 3½ Inches in Thickness - - - the 120	12	9	4
- - - exceeding 18 Feet in Length and not exceeding 20 Feet in Length, not above 7 Inches in Width, and not exceeding 3½ Inches in Thickness - - - the 120	13	17	2
- - - exceeding 20 Feet in Length and not exceeding 45 Feet in Length, and not above 7 Inches in Width, and not exceeding 3½ Inches in Thickness - - - the 120	34	6	1
- - - exceeding 45 Feet in Length, or above 3½ Inches in Thickness (not being Timber 8 Inches Square), the Load, containing 50 Cubic Feet	2	10	0
- - - and further - - - the 120	6	0	0
—— Batten Ends imported into Great Britain, <i>viz.</i>			
- - - under 6 Feet in Length, not above 7 Inches in Width, and not exceeding 2½ Inches in Thickness - - - the 120	3	0	0
- - - under 6 Feet in Length, not above 7 Inches in Width, and exceeding 2½ Inches in Thickness, the 120	6	0	0
—— Batten Ends of the Growth and Produce of any British Possession in America, and imported directly from thence into Great Britain, <i>viz.</i>			
- - - under 6 Feet in Length, not above 7 Inches in Width, and not exceeding 2½ Inches in Thickness - - - the 120	0	7	6
- - - under 6 Feet in Length, not above 7 Inches in Width, and exceeding 2½ Inches in Thickness, the 120	0	15	0
—— Batten Ends imported into Ireland, <i>viz.</i>			
- - - under 8 Feet in Length, not above 7 Inches in Width, and not exceeding 3½ Inches in Thickness - - - the 120	4	14	5

Wood, *continued*.

		£	s.	d.
—	Batten Ends imported into Ireland, <i>continued</i> .			
- - -	under 8 Feet in Length, if exceeding 3½ Inches in Thickness - - - the 120	9	3	1
—	Battens and Batten Ends of all Sorts of the Growth and Produce of any British Possession in America, and imported directly from thence into Ireland, the 120	0	8	3
—	Beech Plank, 2 Inches in Thickness or upwards, the Load, containing 50 Cubic Feet	2	8	9
- - -	of all Sorts, of the Growth and Produce of any British Possession in America, and imported directly from thence - - - the 120	0	8	4
—	Beech Quarters, <i>viz.</i>			
- - -	under 5 Inches Square, and under 24 Feet in Length - - - the 120	4	10	8
- - -	5 Inches Square and under 8 Inches Square, or if 24 Feet in Length or upwards - - - the 120	12	3	6
- - -	of all Sorts under 8 Inches Square, of the Growth and Produce of any British Possession in America, and imported directly from thence, the 120	0	16	3
—	Boards, <i>viz.</i>			
- - -	Beech Boards, <i>viz.</i>			
- - -	under 2 Inches in Thickness, and under 15 Feet in Length - - - the 120	4	9	6
- - -	under 2 Inches in Thickness, and if 15 Feet in Length or upwards - - - the 120	8	19	0
- - -	Clap Boards, <i>viz.</i>			
- - -	not exceeding 5 Feet 3 Inches in Length, and under 8 Inches Square - - - the 120	6	2	0
- - -	of the Growth and Produce of any British Possession in America, and imported directly from thence - - - the 120	0	12	4
- - -	Linn Boards or White Boards for Shoemakers, <i>viz.</i>			
- - -	under 4 Feet in Length, and under 6 Inches in Thickness - - - the 120	6	16	6
- - -	4 Feet in Length, or 6 Inches in Thickness, or upwards - - - the 120	13	13	0
- - -	Oak Boards, <i>viz.</i>			
- - -	under 2 Inches in Thickness, and under 15 Feet in Length - - - the 120	18	1	0
- - -	under 2 Inches in Thickness, and if 15 Feet in Length or upwards - - - the 120	36	2	0
- - -	Outside Slabs or Paling Boards, hewed on One Side, not exceeding 7 Feet in Length, and not above 1½ Inch in Thickness - - - the 120	2	0	0
- - -	Outside Slabs or Paling Boards, hewed on One Side, exceeding 7 Feet in Length, and not exceeding 12 Feet in Length, and not above 1½ Inch in Thickness - - - the 120	4	0	0
- - -	Outside Slabs or Paling Boards, hewed on One Side, exceeding 12 Feet in Length, or exceeding 1½ Inch in Thickness, are subject and liable to the Duties payable on Deals.			

Wood, *continued*.— Boards, *continued*.

£ s. d.

- - - Outside Slabs or Paling Boards, hewed on One Side, of the Growth and Produce of any British Possession in America, and imported directly from thence, <i>viz.</i>			
- - - not exceeding 7 Feet in Length, and not above 1½ Inch in Thickness - the 120	0	5	0
- - - exceeding 7 Feet in Length and not exceeding 12 Feet in Length, and not above 1½ Inch in Thickness - the 120	0	10	0
- - - exceeding 12 Feet in Length, or exceeding 1½ Inch in Thickness, are subject and liable to the Duties payable on Deals.			
- - - Pipe Boards, <i>viz.</i>			
- - - above 5 Feet 3 Inches in Length and not exceeding 8 Feet in Length, and under 8 Inches Square - the 120	9	3	0
- - - exceeding 8 Feet in Length, and under 8 Inches Square - the 120	18	6	0
- - - of all Sorts, exceeding 5 Feet 3 Inches in Length and under 8 Inches Square, of the Growth and Produce of any British Possession in America, and imported directly from thence - the 120	0	19	6
- - - Wainscot Boards, <i>viz.</i>			
- - - the Foot, containing 12 Feet in Length, and 1 Inch in Thickness, and so in proportion for any greater or lesser Length or Thickness	0	4	0
— Boards of all Sorts not otherwise enumerated or described, of the Growth and Produce of any British Possession in America, and imported directly from thence, the 120	0	8	4
— Bowsprits. <i>See</i> Masts.			
— Deals to be used in Mines, <i>viz.</i>			
- - - above 7 Inches in Width, being 8 Feet in Length and not above 10 Feet in Length, and not exceeding 1½ Inch in Thickness - the 120	8	2	6
— Deals imported into Great Britain, <i>viz.</i>			
- - - above 7 Inches in Width, being 6 Feet in Length and not above 16 Feet in Length, and not exceeding 3½ Inches in Thickness - the 120	19	0	0
- - - above 7 Inches in Width, above 16 Feet in Length and not above 21 Feet in Length, and not exceeding 3½ Inches in Thickness the 120	22	0	0
- - - above 7 Inches in Width, above 21 Feet in Length and not above 45 Feet in Length, and not above 3½ Inches in Thickness - the 120	44	0	0
- - - above 45 Feet in Length, or above 3½ Inches in Thickness (not being Timber 8 Inches Square or upwards) the Load containing 50 Cubic Feet	2	10	0
- - - and further - the 120	6	0	0
— Deals of the Growth and Produce of any British Possession in America, and imported directly from thence into Great Britain, <i>viz.</i>			
- - - above 7 Inches in Width, being 6 Feet in Length and not above 16 Feet in Length, and not exceeding 3½ Inches in Thickness - the 120	2	0	0

Wood, *continued*.

		£	s.	d.
— Deals of the Growth and Produce of any British Possession in America, &c., <i>continued</i> .				
- - -	above 7 Inches in Width, above 16 Feet in Length and not above 21 Feet in Length, and not exceeding 3½ Inches in Thickness			
	the 120	2	10	0
- - -	above 7 Inches in Width, being 6 Feet in Length and not above 21 Feet in Length, and exceeding 3½ Inches in Thickness			
	the 120	4	0	0
- - -	above 7 Inches in Width, exceeding 21 Feet in Length, and not exceeding 4 Inches in Thickness			
	the 120	5	0	0
- - -	above 7 Inches in Width, exceeding 21 Feet in Length, and exceeding 4 Inches in Thickness (not being Timber 8 Inches Square or upwards)			
	the 120	10	0	0
— Deals imported into Ireland, <i>viz</i> .				
- - -	above 7 Inches in Width and not exceeding 12 Inches in Width, and not exceeding 3½ Inches in Thickness, <i>viz</i> .			
- - -	8 Feet in Length and not exceeding 12 Feet in Length			
	the 120	12	9	5
- - -	exceeding 12 Feet in Length and not exceeding 14 Feet in Length			
	the 120	14	11	0
- - -	exceeding 14 Feet in Length and not exceeding 16 Feet in Length			
	the 120	16	12	6
- - -	exceeding 16 Feet in Length and not exceeding 18 Feet in Length			
	the 120	18	14	1
- - -	exceeding 18 Feet in Length and not exceeding 20 Feet in Length			
	the 120	20	15	7
- - -	above 7 Inches in Width and not exceeding 12 Inches in Width, and exceeding 3½ Inches in Thickness, <i>viz</i> .			
- - -	8 Feet in Length and not exceeding 20 Feet in Length			
	the 120	41	11	3
- - -	above 7 Inches in Width and not exceeding 12 Inches in Width, and not exceeding 4 Inches in Thickness, and exceeding 20 Feet in Length,			
	the 120	51	9	2
- - -	above 7 Inches in Width and not exceeding 12 Inches in Width, and exceeding 4 Inches in Thickness, and exceeding 20 Feet in Length,			
	the 120	100	6	1
— Deal Ends imported into Great Britain, <i>viz</i> .				
- - -	above 7 Inches in Width, being under 6 Feet in Length, and not exceeding 3½ Inches in Thickness			
	the 120	6	0	0
- - -	above 7 Inches in Width, being under 6 Feet in Length, and exceeding 3½ Inches in Thickness,			
	the 120	12	0	0
— Deal Ends of the Growth and Produce of any British Possession in America, and imported directly from thence into Great Britain, <i>viz</i> .				
- - -	above 7 Inches in Width, being under 6 Feet in Length, and not exceeding 3½ Inches in Thickness			
	the 120	0	15	0

Wood, *continued*.

£ s. d.

— Deal Ends of the Growth and Produce of any British Possession in America, &c., *continued*.

- - - above 7 Inches in Width, being under 6 Feet in Length, and exceeding 3½ Inches in Thickness, the 120

1 10 0

— Deal Ends imported into Ireland, *viz.*

- - - above 7 Inches in Width and not exceeding 12 Inches in Width, and under 8 Feet in Length, *viz.*

- - - not exceeding 3½ Inches in Thickness, the 120

7 1 8

- - - exceeding 3½ Inches in Thickness the 120

13 14 8

— Deals and Deal Ends, *viz.*

- - - of all Sorts, of the Growth and Produce of any British Possession in America, and imported directly from thence into Ireland - the 120

0 8 3

- - - And further, on all Deals and Deal Ends imported into Ireland, of the aforesaid Lengths and Thicknesses, but of the following Widths, the additional Duties following, *viz.*

- - - If exceeding 12 Inches in Width and not exceeding 15 Inches in Width, Twenty-five per Cent., or One Fourth of the aforesaid Rates.

- - - If exceeding 15 Inches in Width and not exceeding 18 Inches in Width, Fifty per Cent., or One Half of the aforesaid Rates.

- - - If exceeding 18 Inches in Width and not exceeding 21 Inches in Width, Seventy-five per Cent., or Three Fourths of the aforesaid Rates.

- - - If exceeding 21 Inches in Width, One hundred per Cent., or an additional Duty equal to the aforesaid Rates respectively.

— Firewood not fit or proper to be used other than as such, *viz.*

- - - the Fathom, 6 Feet wide and 6 Feet high -

0 19 0

- - - imported from any British Possession in America, the Fathom 6 Feet wide and 6 Feet high

0 0 10

— Fir Quarters, *viz.*

- - - under 5 Inches Square, and under 24 Feet in Length, the 120

18 2 7

- - - under 5 Inches Square, and 24 Feet in Length or upwards - - - the 120

27 0 0

- - - 5 Inches Square or upwards are subject and liable to the Duties payable on Fir Timber.

— Fir Quarters of the Growth and Produce of any British Possession in America, and imported directly from thence, *viz.*

- - - under 5 Inches Square, and under 24 Feet in Length - - - the 120

3 5 0

- - - under 5 Inches Square, and 24 Feet in Length or upwards - - - the 120

4 17 6

- - - 5 Inches Square, or upwards, are subject and liable to the Duties payable on Fir Timber.

Wood, *continued.*

—— Fir Timber. See Timber.

—— Handspikes, *viz.*

---	under 7 Feet in Length	-	-	the 120	2	0	0
---	7 Feet in Length or upwards	-	-	the 120	4	0	0

—— Handspikes imported from any British Possession in America, *viz.*

---	under 7 Feet in Length	-	-	the 120	0	2	6
---	7 Feet in Length or upwards	-	-	the 120	0	5	0

—— Knees of Oak, *viz.*

---	under 5 Inches Square	-	-	the 120	0	10	0
---	5 Inches Square and under 8 Inches Square,			the 120	4	0	0

---	8 Inches Square or upwards,						
	the Load containing 50 Cubic Feet				1	6	0

—— Knees of Oak imported from any British Possession in America, *viz.*

---	under 5 Inches Square-	-	-	the 120	0	2	0
---	5 Inches Square and under 8 Inches Square,			the 120	0	15	0

---	8 Inches Square or upwards,						
	the Load containing 50 Cubic Feet				0	5	0

—— Lathwood, *viz.*

---	in Pieces under 5 Feet in Length,						
	the Fathom 6 Feet wide and 6 Feet high				4	5	0

---	in Pieces 5 Feet in Length and under 8 Feet in Length,						
-----	--	--	--	--	--	--	--

	the Fathom 6 Feet wide and 6 Feet high				6	16	0
--	--	--	--	--	---	----	---

---	8 Feet in Length and under 12 Feet in Length,						
	the Fathom 6 Feet wide and 6 Feet high				10	4	0

---	12 Feet long or upwards,						
	the Fathom 6 Feet wide and 6 Feet high				13	12	0

—— Lathwood imported from any British Possession in America, *viz.*

---	in Pieces under 5 Feet in Length,						
	the Fathom 6 Feet wide and 6 Feet high				0	15	0

---	in Pieces 5 Feet in Length or upwards,						
	the Fathom 6 Feet wide and 6 Feet high				1	5	0

—— Masts, Yards, or Bowsprits, *viz.*

---	6 Inches in Diameter and under 8 Inches, each				0	8	0
-----	---	--	--	--	---	---	---

---	8 Inches in Diameter and under 12 Inches, each				1	2	0
-----	--	--	--	--	---	---	---

---	12 Inches in Diameter or upwards,						
	the Load containing 50 Cubic Feet				2	15	0

—— Masts, Yards, or Bowsprits, imported from any British Possession in America, *viz.*

---	6 Inches in Diameter and under 8 Inches, each				0	1	6
-----	---	--	--	--	---	---	---

---	8 Inches in Diameter and under 12 Inches, each				0	4	0
-----	--	--	--	--	---	---	---

---	12 Inches in Diameter or upwards,						
	the Load containing 50 Cubic Feet				0	10	0

—— Oak Plank, *viz.*

---	2 Inches in Thickness or upwards,						
	the Load containing 50 Cubic Feet				4	0	0

Wood, *continued*.

	£	s.	d.
— Oak Plank of the Growth of any British Possession in America, and imported directly from thence, <i>viz.</i>			
- - - 2 Inches in Thickness or upwards, the Load containing 50 Cubic Feet	0	15	0
— Oak Timber. See Timber.			
— Oars - - - the 120	14	19	3
- - - of the Growth of any British Possession in America, and imported directly from thence, the 120	0	19	6
— Spars, <i>viz.</i>			
- - - under 22 Feet in Length, and under 4 Inches in Diameter, exclusive of the Bark - the 120	2	8	0
- - - 22 Feet in Length or upwards, and under 4 Inches in Diameter, exclusive of the Bark - the 120	4	5	0
- - - 4 Inches in Diameter and under 6 Inches in Diameter, exclusive of the Bark - the 120	9	0	0
- - - of the Growth of any British Possession in America, and imported directly from thence ; <i>viz.</i>			
- - - under 22 Feet in Length, and under 4 Inches in Diameter, exclusive of the Bark, the 120	0	9	0
- - - 22 Feet in Length or upwards, and under 4 Inches in Diameter, exclusive of the Bark, the 120	0	16	0
- - - 4 Inches in Diameter and under 6 Inches in Diameter, exclusive of the Bark, the 120	1	15	0
— Spokes for Wheels, <i>viz.</i>			
- - - not exceeding 2 Feet in Length - the 1,000	3	7	4
- - - exceeding 2 Feet in Length - the 1,000	6	14	8
- - - of all Sorts, of the Growth of any British Possession in America, and imported directly from thence - - - the 1,000	0	6	4
— Staves, <i>viz.</i>			
- - - not exceeding 36 Inches in Length, not above 3 Inches in Thickness, and not exceeding 7 Inches in Breadth - the 120	1	3	0
- - - above 36 Inches in Length and not exceeding 50 Inches in Length, not above 3 Inches in Thickness, and not exceeding 7 Inches in Breadth, the 120	2	6	0
- - - above 50 Inches in Length and not exceeding 60 Inches in Length, not above 3 Inches in Thickness, and not exceeding 7 Inches in Breadth, the 120	3	0	0
- - - above 60 Inches in Length and not exceeding 72 Inches in Length, not above 3 Inches in Thickness, and not exceeding 7 Inches in Breadth, the 120	4	4	0
- - above 72 Inches in Length, not above 3 Inches in Thickness, and not exceeding 7 Inches in Breadth - the 120	4	16	0

Staves, continued.

- - - above 3 Inches in Thickness, or above 7 Inches in Breadth, and not exceeding 63 Inches in Length, shall be deemed Clap Boards, and be charged with Duty accordingly.

- - - above 3 Inches in Thickness, or above 7 Inches in Breadth, and exceeding 63 Inches in Length, shall be deemed Pipe Boards, and be charged with Duty accordingly.

—— Staves imported from any British Possession in America, and imported directly from thence; viz.

- - - not exceeding 36 Inches in Length, not above 3½ Inches in Thickness, and not exceeding 7 Inches in Breadth - - - the 120

0 2 0

- - - above 36 Inches in Length and not exceeding 50 Inches in Length, not above 3½ Inches in Thickness, and not exceeding 7 Inches in Breadth, the 120

0 4 0

- - - above 50 Inches in Length and not exceeding 60 Inches in Length, not above 3½ Inches in Thickness, and not exceeding 7 Inches in Breadth - - - the 120

0 6 0

- - - above 60 Inches in Length and not exceeding 72 Inches in Length, not above 3½ Inches in Thickness, and not exceeding 7 Inches in Breadth - - - the 120

0 8 0

- - - above 72 Inches in Length, not above 3½ Inches in Thickness, and not exceeding 7 Inches in Breadth - - - the 120

0 10 0

- - - not exceeding 1½ Inch in Thickness shall be charged with One Third Part of the Duty herein proposed on such Staves.

- - - above 3½ Inches in Thickness, or above 7 Inches in Breadth, and not exceeding 63 Inches in Length, shall be deemed Clap Boards, and be charged with Duty accordingly.

- - - above 3½ Inches in Thickness, or above 7 Inches in Breadth, and exceeding 63 Inches in Length, shall be deemed Pipe Boards, and be charged with Duty accordingly.

—— Teake Wood - the Load, containing 50 Cubic Feet

1 10 0

- - - imported from any British Possession in Africa, the Load, containing 50 Cubic Feet

0 10 0

- - - imported from any British Possession within the Limits of the East India Company's Charter, the Load, containing 50 Cubic Feet

0 0 1

- - - imported from any other Place within those Limits, the Load, containing 50 Cubic Feet

0 10 0

—— Timber, viz.

- - - Fir Timber, 8 Inches Square or upwards, the Load, containing 50 Cubic Feet

2 15 0

Wood, *continued.*

£ s. d.

— Timber, *continued.*

- - - Fir Timber imported from any British Possession in America, 8 Inches Square or upwards, the Load, containing 50 Cubic Feet	0 10 0
- - - Oak Timber, 8 Inches Square or upwards, the Load, containing 50 Cubic Feet	2 15 0
- - - Oak Timber of the Growth of any British Possession in America, and imported directly from thence, 8 Inches Square or upwards, the Load, containing 50 Cubic Feet	0 10 0
- - - Timber of all Sorts, not particularly enumerated or described, nor otherwise charged with Duty, being 8 Inches Square or upwards, the Load, containing 50 Cubic Feet	1 8 0
- - - Timber of all Sorts not particularly enumerated or described, nor otherwise charged with Duty, being of the Growth of any British Possession in America, and imported directly from thence, being 8 Inches Square or upwards, the Load, containing 50 Cubic Feet	0 5 0

— Ufers, *viz.*

- - - under 5 Inches Square, and under 24 Feet in Length - - - the 120	18 2 7
- - - under 5 Inches Square, and 24 Feet in Length or upwards - - - the 120	27 0 0
- - - 5 Inches Square or upwards are subject and liable to the Duties payable on Fir Timber.	
- - - Ufers imported from any British Possession in America, <i>viz.</i>	
- - - under 5 Inches Square, and under 24 Feet in Length - - - the 120	3 5 0
- - - under 5 Inches Square, and 24 Feet in Length or upwards - - - the 120	4 17 6
- - - 5 Inches Square or upwards are subject and liable to the Duties payable on Fir Timber.	

— Wainscot Logs, *viz.*

- - - 8 Inches Square or upwards, the Load, containing 50 Cubic Feet	2 15 0
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— Wainscot Logs of the Growth of any British Possession in America, and imported directly from thence,
the Load, containing 50 Cubic Feet

0 12 0

— Wood, unmanufactured, of the Growth of any British Possession in America, not particularly enumerated or described, nor otherwise charged with Duty,
for every 100℥. of the Value

5 0 0

— Wood, unmanufactured, not particularly enumerated or described, and on which the Duties due on the Importation are payable according to the Value thereof, being of the Growth of the British Limits within the Province of Yucatan in the Bay of Honduras, and imported directly from the said Bay,
for every 100℥. of the Value

5 0 0

Wood, *continued*.

£ s. d.

— Wood, unmanufactured, not particularly enumerated or described, nor otherwise charged with Duty, for every 100*l*. of the Value 20 0 0

Wool, *viz.*

— Beaver Wool - - - - the lb. 0 1 7
 - - - cut and combed - - - - the lb. 0 4 9
 — Coney Wool - - - - the lb. 0 0 2
 — Cotton Wool, or Waste of Cotton Wool - the cwt. 0 2 11
 - - - the Produce of and imported from any British Possession - - - - the cwt. 0 0 4
 Goat's Wool or Hair - - - - the lb. 0 0 1
 - - - the Produce of and imported from any British Possession - - - - Free.
 — Hare's Wool - - - - the lb. 0 0 2
 — Lamb's Wool. See Sheep's Wool.
 — Red or Vicunia Wool - - - - the lb. 0 0 6
 — Sheep or Lamb's Wool, *viz.*
 - - - not being of the Value of 1*s*. the lb. thereof, the lb. 0 0 0½
 - - - being of the Value of 1*s*. the lb. or upwards, the lb. 0 0 1
 - - - the Produce of and imported from any British Possession - - - - Free.

Woollens, *viz.*

— Manufactures of Wool not being Goat's Wool, or of Wool mixed with Cotton, not particularly enumerated or described, nor otherwise charged with Duty - - for every 100*l*. of the Value 15 0 0
 — Articles of Manufactures of Wool (not being Goat's Wool) or of Wool mixed with Cotton, wholly or in part made up, not otherwise charged with Duty, for every 100*l*. of the Value 20 0 0

Wreck. See Derelict.

Y.

Yarn, *viz.*

— Cable Yarn - - - - the cwt. 0 10 9
 — Camel or Mohair Yarn - - - - the lb. 0 0 1
 — Raw Linen Yarn - - - - the cwt. 0 1 0
 — Worsted Yarn - - - - the lb. 0 0 6

Z.

Zaffre - - - - the cwt. 0 1 0
 Zebra Wood - - - - the Ton 2 0 0

Goods, Wares, and Merchandize, being either in part or wholly manufactured, and not being enumerated or described, nor otherwise charged with Duty, and not prohibited to be imported into or used in Great Britain or Ireland, for every 100*l*. of the Value 20 0 0

Goods, Wares, and Merchandize, not being either in part or wholly manufactured, and not being enumerated or described, nor otherwise charged with Duty, and not prohibited to be imported into or used in Great Britain or Ireland - for every 100 <i>l.</i> of the Value	£ s. d.
	5 0 0

Note.—All Goods, the Produce or Manufacture of the Island of Mauritius, are subject to the same Duties as are imposed in this Table on the like Goods, the Produce or Manufacture of the British Possessions in the West Indies.

All Goods, the Produce or Manufacture of the Cape of Good Hope or the Territories or Dependencies thereof, are subject to the same Duties as are imposed in this Table on the like Goods, the Produce or Manufacture of the British Possessions within the Limits of the East India Company's Charter, except when any other Duty is expressly imposed thereon.

DUTIES OF CUSTOMS OUTWARDS.

A TABLE of DUTIES of CUSTOMS payable on Goods, Wares, and Merchandize exported from the United Kingdom to Foreign Parts.

OUTWARDS.	Duty.
COALS, not being Small Coals, exported to any Place not being a British Possession; viz.	£ s. d.
—— in a British Ship - - - - - the Ton	0 3 4
—— in a Ship not British - - - - - the Ton	0 6 8
Small Coals, Culm, and Cinders exported to any Place not being a British Possession; viz.	
—— in a British Ship - - - - - the Ton	0 2 0
—— in a Ship not British - - - - - the Ton	0 4 0
Hare Skins and Coney Skins - - - - - the 100 Skins	0 1 0
Hare Wool and Coney Wool - - - - - the cwt.	0 1 0
Sheep and Lamb Wool - - - - - the cwt.	0 1 0
Woolfels, Mortlings, Shortlings, Yarn, Worsted, Woolflocks, Crewels, Coverlets, Waddings, or other Manufactures or pretended Manufactures, slightly wrought up, so as that the same may be reduced to and made use of as Wool again, Mattresses or Beds stuffed with combed Wool or Wool fit for combing or carding - - - - - the cwt.	0 1 0
Goods, Wares, and Merchandize of the Growth, Produce, or Manufacture of the United Kingdom (not being subject to other Export Duty, nor particularly exempted from Export Duty) - - - - - for every 100l. of the Value	0 10 0
Except the following Articles, viz.	
Bullion and Coin.	
Corn, Grain, Meal, Malt, Flour, Biscuit, Bran, Grits, Pearl Barley and Scotch Barley.	
Cotton Yarn or other Cotton Manufactures.	
Fish.	
Linen, or Linen with Cotton mixed.	
Melasses or Treacle.	
Military Clothing, Accoutrements, or Appointments exported under the Authority of the Commissioners of His Majesty's Treasury, and sent to any of His Majesty's Forces serving Abroad.	
Military Stores exported to India by the East India Company.	
Salt.	
Sugar, refined, of all Sorts, and Sugar Candy.	
Goods, Wares, and Merchandize exported to the Isle of Man by virtue of any Licence which the Commissioners of His Majesty's Customs may be empowered to grant.	
Any Sort of Craft, Food, Victuals, Clothing, or Implements or Materials necessary for the British Fisheries established in any of the British Possessions in North America, and exported direct thereto.	
Wool.	
Woollen Goods, or Woollen and Cotton mixed, or Woollen and Linen mixed, exported to any Place within the Limits of the East India Company's Charter.	

CAP. LVII.

An Act for the warehousing of Goods.

[28th August 1893.]

588c 470 49
 788c 432 718
 819c 184
 rec'd 291

6 G. 4. c. 112.

WHEREAS an Act was passed in the Sixth Year of the
 Reign of His late Majesty King George the Fourth,
 intituled *An Act for the warehousing of Goods*, whereby the Laws
 of Customs in relation to the warehousing of Goods were con-
 solidated and amended: And whereas since the passing of the said
 Act divers Acts for the further Amendment of the Law have been
 found necessary, and it will be of advantage to the Trade and
 Commerce of the Country that the said Acts should be conso-
 lidated into One Act; be it therefore enacted by the King's most
 Excellent Majesty, by and with the Advice and Consent of the Lords
 Spiritual and Temporal, and Commons, in this present Parliament
 assembled, and by the Authority of the same, That this Act shall
 commence upon the First Day of *September* One thousand eight
 hundred and thirty-three, except where any other Commencement is
 herein particularly directed.

Commencement
of Act.

II. And be it further enacted, That it shall be lawful for the
 Commissioners of His Majesty's Treasury by their Warrant from
 Time to Time to appoint the Ports in the United Kingdom which
 shall be warehousing Ports for the Purposes of this Act; and that
 it shall be lawful for the Commissioners of His Majesty's Customs,
 subject to the Authority and Directions of the Commissioners of
 His Majesty's Treasury, by their Order from Time to Time to
 appoint in what Warehouses or Places of special Security, or of
 ordinary Security, as the Case may require, in such Ports, and in
 what different Parts or Divisions of such Warehouses or Places,
 and in what Manner any Goods, and what Sorts of Goods, may
 and may only be warehoused and kept and secured without Pay-
 ment of any Duty upon the first Entry thereof, or for Exportation
 only, in Cases wherein the same may be prohibited to be imported
 for Home Use; and also in such Order to direct in what Cases (if
 any) Security by Bond, in manner herein-after provided, shall be
 required in respect of any Warehouse so appointed by them.

Treasury to
appoint ware-
housing Ports.Commissioners
to appoint
Warehouses;
and require
Bond.

III. And be it further enacted, That whenever any Warehouse
 shall have been approved of by the said Commissioners, as being
 a Warehouse of special Security, it shall be stated in their Order
 of Appointment that such Warehouse is appointed as a Warehouse
 of special Security: Provided always, that all Warehouses con-
 nected with Wharfs for the landing of the Goods to be lodged
 therein, and enclosed together with such Wharfs within Walls,
 such as are or shall be required by any Act for the constructing
 of such Warehouses and Wharfs, and being appointed to be legal
 Quays, shall without any Order of the Commissioners of the Cust-
 oms be Warehouses for the Purposes of this Act, for all Goods
 landed at such Wharfs or Quays at any Port appointed by the
 Commissioners of His Majesty's Treasury to be a warehousing
 Port as aforesaid, and all such Warehouses shall be Warehouses
 of special Security.

Warehouse of
special Security
by Appoint-
ment.Warehouses
connected with
Wharfs and
within Walls,
&c. to be Ware-
houses of special
Security with-
out Appoint-
ment.

IV. And be it further enacted, That all Appointments of Ware-
 houses for the warehousing of Goods made under the Authority

Bonds given
previous to Act
to continue in
of force.

of any other Act in force at the Time of the Commencement of this Act shall continue in force as if the same had been made under the Authority of this Act, and all Bonds given in respect of any Goods warehoused or entered to be warehoused under any Act in force at the Time of the Commencement of this Act shall continue in force for the Purposes of this Act.

Commissioners
to provide
Warehouses for
Tobacco, and
Treasury to fix
Rent.

V. And be it further enacted, That the Commissioners of His Majesty's Customs shall, out of the Monies arising from the Duties of Customs, provide from Time to Time the Warehouses for the warehousing of Tobacco at the Ports into which Tobacco may be legally imported: Provided always, that for every Hogshead, Chest, or Case of Tobacco so warehoused the Importer or Proprietor thereof shall pay, as and for Warehouse Rent, such Sum or Sums, not exceeding any Sum payable under any Act in force at the Time of the Commencement of this Act, and at such Periods and in such Manner as the Commissioners of His Majesty's Treasury shall from Time to Time by their Warrant appoint and direct; and all such Sums shall be paid, received, and appropriated as Duties of Customs.

Power to revoke
or alter Appointment.

VI. And be it further enacted, That it shall be lawful for the said Commissioners of His Majesty's Treasury by their Warrant, and for the said Commissioners of the Customs by their Order, from Time to Time to revoke any former Warrant or any former Order, or to make any Alteration in or Addition to any former Warrant or any former Order made by them as aforesaid respectively.

Publication of
Appointment in
Gazette.

VII. And be it further enacted, That every Order made by the said Commissioners of the Customs in respect of Warehouses of special Security, as well those of original Appointment as those of Revocation, Alteration, or Addition, shall be published in the *London Gazette* for such as shall be appointed in *Great Britain*, and in the *Dublin Gazette* for such as shall be appointed in *Ireland*.

Warehouse-
keeper may
give general
Bond, if will-
ing;

VIII. And be it further enacted, That before any Goods shall be entered to be warehoused in any Warehouse in respect of which Security by Bond shall be required as aforesaid, the Proprietor or Occupier of such Warehouse, if he be willing, shall give general Security by Bond, with Two sufficient Sureties, for the Payment of the full Duties of Importation on all such Goods as shall at any Time be warehoused therein, or for the due Exportation thereof; and if such Proprietor or Occupier be not willing to give such general Security, the different Importers of the separate Quantities of Goods shall, upon each Importation, give such Security in respect of the particular Goods imported by them respectively, before such Goods shall be entered to be warehoused.

or Importer
give particular
Bond.

Sale of Goods
in Warehouse
by Proprietor
to be valid,
although they
remain in such
Warehouse.

IX. And be it further enacted, That if any Goods lodged in any Warehouse shall be the Property of the Occupier of such Warehouse, and shall be *bond fide* sold by him, and upon such Sale there shall have been a written Agreement, signed by the Parties, or a written Contract of Sale made, executed, and delivered by a Broker or other Person legally authorized for or on behalf of the Parties respectively, and the Amount of the Price stipulated in the said Agreement or Contract shall have been actually paid or secured to be paid by the Purchaser, every such Sale shall be valid, although such Goods shall remain in such Warehouse; provided that a

Transfer

Transfer of such Goods, according to such Sale, shall have been entered in a Book to be kept for that Purpose by the Officer of the Customs having the Charge of such Warehouse, who is hereby required to keep such Book, and to enter such Transfers, with the Dates thereof, upon Application of the Owners of the Goods, and to produce such Book upon Demand made.

Transfer of such Goods to be entered in a Book.

X. And be it further enacted, That all Goods warehoused shall be stowed in such Manner as that easy Access may be had to every Package and Parcel of the same; and if the Occupier of the Warehouse shall omit so to stow the same, he shall for every such Omission forfeit the Sum of Five Pounds; and if any Goods shall be taken out of any Warehouse without due Entry of the same with the proper Officers of the Customs, the Occupier of the Warehouse shall be liable to the Payment of the Duties due thereon.

Stowage in Warehouse to afford easy Access.

Penalty 5*l*.

XI. And be it further enacted, That if any Goods warehoused shall be fraudulently concealed in or removed from the Warehouse, the same shall be forfeited; and if any Importer or Proprietor of any Goods warehoused, or any Person in his Employ, shall by any Contrivance fraudulently open the Warehouse or gain Access to the Goods, except in the Presence of the proper Officer acting in the Execution of his Duty, such Importer or Proprietor shall forfeit and pay for every such Offence the Sum of Five hundred Pounds.

Goods fraudulently concealed or removed, forfeited.

Penalty on opening Warehouse without the Officer, 500*l*.

XII. And be it further enacted, That within One Month after any Tobacco shall have been warehoused, and upon the Entry and landing of any other Goods to be warehoused, the proper Officer of the Customs shall take a particular Account of the same, and shall mark the Contents on each Package, and shall mark the Word "Prohibited" on such Packages as contain Goods prohibited to be imported for Home Use; and that all Goods shall be warehoused and kept in the Packages in which they shall have been imported, and no Alteration shall be made in the Packages or the packing of any Goods in the Warehouse, except in the Cases herein-after provided.

Examination on Entry and landing.

Marking Package.

XIII. And be it further enacted, That all Goods entered to be warehoused or to be rewarehoused shall be carried to the Warehouse under the Care or with the Authority or Permission of the proper Officer of the Customs, and in such Manner, and by such Persons, and by such Roads or Ways, and within such Spaces of Time, as the proper Officer of the Customs shall authorize, permit, or direct; and all such Goods not so carried shall be forfeited.

Goods to be carried to Warehouse under Authority of Officers of Customs.

XIV. And be it further enacted, That all Goods which have been so warehoused shall be duly cleared, either for Exportation or for Home Use, within Three Years, and all surplus Stores of Ships within One Year from the Day of the first Entry thereof (unless further Time be given by the Commissioners of His Majesty's Treasury); and if any such Goods be not so cleared it shall be lawful for the Commissioners of His Majesty's Customs to cause the same to be sold, and the Produce shall be applied to the Payment of Warehouse Rent and other Charges, and the Overplus, if any, shall be paid to the Proprietor; and such Goods, when sold, shall be held subject to all the Conditions to which they were subject previous to such Sale, except that a further Time of Three Months from the Date of the Sale shall be allowed to the Purchaser for the clearing of such Goods from the Warehouse; and if the Goods so

Goods to be cleared in Three Years, Ship Stores in One Year;

if not cleared, to be sold or destroyed.

Purchaser allowed Three Months.

sold

Company's
Goods and
"Piece Goods"
to be sold at
Company's Sale.

sold shall not be duly cleared from the Warehouse within such Three Months, the same shall be forfeited: Provided always, that if the Goods so to be disposed of shall have been imported by the *East India* Company, or shall be of the Description called "Piece Goods," imported from Places within the Limits of their Charter into the Port of *London*, the same shall, at the Requisition of the Commissioners of Customs, be duly exposed to Sale by the said Company at their next ensuing Sale, and shall be then sold for the highest Price which shall be then publicly offered for the same.

In case of Accident in landing or shipping Goods, Duty to be remitted.

XV. And be it further enacted, That if any Goods entered to be warehoused, or entered to be delivered from the Warehouse, shall be lost or destroyed by any unavoidable Accident, either on Ship-board or in the landing or shipping of the same, or in the receiving into or delivering from the Warehouse, it shall be lawful for the Commissioners of His Majesty's Customs to remit or return the Duties payable or paid on the Quantity of such Goods so lost or destroyed.

Entry for
Exportation or
Home Use.

XVI. And be it further enacted, That no Goods which have been so warehoused shall be taken or delivered from the Warehouse, except upon due Entry, and under Care of the proper Officers for Exportation, or upon due Entry and Payment of the full Duties payable thereon for Home Use, if they be such Goods as may be used in the United Kingdom; save and except Goods delivered into the Charge of the Searchers to be shipped as Stores, and which shall and may be so shipped without Entry or Payment of any Duty for any Ship of the Burthen of Seventy Tons at least, bound upon a Voyage to Foreign Parts, the probable Duration of which out and Home will not be less than Forty Days: Provided always, that such Stores shall be duly borne upon the Ship's Victualling Bill, and shall be shipped in such Quantities and subject to such Directions and Regulations as the Commissioners of Customs shall direct and appoint.

Goods permitted to be shipped from the Warehouse Duty-free as Ship's Stores.

Rum for Stores and surplus Stores may be shipped without Entry, if borne on Victualling Bill;

XVII. Provided always, and be it enacted, That any Rum of the *British* Plantations may be delivered into the Charge of the Searcher to be shipped as Stores for any Ship without Entry or Payment of any Duty, and any surplus Stores of any Ship may be delivered into the Charge of the Searcher to be reshipped as Stores for the same Ship, or for the same Master in another Ship, without Entry or Payment of any Duty, such Rum and such surplus Stores being duly borne upon the Victualling Bills of such Ships respectively; and if the Ship for the future Use of which any surplus Stores have been warehoused shall have been broken up or sold, such Stores may be so delivered for the Use of any other Ship belonging to the same Owners, or may be entered for Payment of Duty, and delivered for the private Use of such Owners or any of them, or of the Master or Purser of such Ship.

or entered for private Use.

Duties to be paid on original Quantities, except in certain Cases.

XVIII. And be it further enacted, That upon the Entry of any such Goods to be cleared from the Warehouse, if the same be for Home Use, the Person entering such Goods inwards shall deliver a Bill of the Entry and Duplicates thereof in like Manner as is directed by Law in the Case of Goods entered to be landed, as far as the same is applicable, and at the same Time shall pay down to the proper Officer of the Customs the full Duties of Customs payable thereon, and not being less in Amount than according to the Account of

of the Quantity first taken of the respective Packages or Parcels of the Goods in such Entry at the Examination thereof at the Time of the first Entry and landing of the same, without any Abatement on account of any Deficiency, except as by this Act is otherwise provided; and that if the Entry be for Exportation or for Removal to any other Warehouse, and any of the Packages or Parcels of the Goods be deficient of the respective Quantities of the same according to the Account first taken as aforesaid, a like Entry inwards shall also be passed in respect of the Quantities so deficient, and the full Duties shall be paid on the Amount thereof before such Packages or Parcels of Goods shall be delivered or taken for Exportation or Removal, except as by this Act is otherwise provided; and if any Goods so deficient in Quantity shall be such as are charged to pay Duty according to the Value thereof, such Value shall be estimated at the Price for which the like Sorts of Goods of the best Quality shall have been last or lately sold, either at any Sale of the *East India Company* or in any other Manner, as the Case may be.

If for Exportation or Removal, Duties on Deficiencies to be paid.

How Value ascertained.

XIX. Provided always, and be it further enacted, That the Duties payable upon Tobacco, Sugar, and Spirits respectively, when taken out of Warehouse for Home Use, shall be charged upon the Quantities ascertained by the Weight, Measure, or Strength of the same actually delivered; save and except that if the Sugar shall not be in a Warehouse of special Security, no greater Abatement on account of Deficiency of the Quantity first ascertained as aforesaid shall be made than shall be after the Rate of Three *per Centum* of such Quantity for the first Three Months, and One *per Centum* for every subsequent Month during which such Sugar shall have been warehoused; and also save and except, that if the Spirits (being any other Spirits than Rum of the *British Plantations*) shall not be in a Warehouse of special Security, no greater Abatement on account of Deficiency of the Quantity or Strength first ascertained as aforesaid shall be made than shall be after the several Rates of Allowances following; (that is to say.)

Duties on Tobacco, Sugar, and Spirits to be charged on Quantities delivered, except in certain Cases.

For every hundred Gallons, Hydrometer Proof; (*videlicet*.)

For any Time not exceeding Six Months - One Gallon :

For any Time exceeding Six Months and not exceeding Twelve Months - - - Two Gallons :

For any Time exceeding Twelve Months and not exceeding Eighteen Months - - - Three Gallons :

For any Time exceeding Eighteen Months and not exceeding Two Years - - - Four Gallons :

For any Time exceeding Two Years - - - Five Gallons :

Provided always, that no Abatement shall be made in respect of any Deficiency in Quantity of any Spirits occasioned either by Leakage or Accident, and not by natural Evaporation, in whatever Warehouse the same may be, except as by this Act is otherwise specially provided.

No Allowance for Leakage.

XX. And be it further enacted, That if after any Goods shall have been duly entered and landed to be warehoused, and before the same shall have been actually deposited in the Warehouse, the Importer shall further enter the same or any Part thereof for Home Use or for Exportation as from the Warehouse, the Goods so entered shall be considered as virtually and constructively warehoused, although not actually deposited in the Warehouse, and

Importer may enter Goods for Home Use or for Exportation, although not actually warehoused.

shall and may be delivered and taken for Home Use or for Exportation, as the Case may be.

Goods may be removed to other Ports to be re-warehoused ;

and on Notice given, Officers to prepare for Removal, under Seals of Office.

Tobacco for Use of Navy may be removed to certain Ports.

Entry of Goods for Removal.

Account sent to other Port.

Entry at Port of Arrival to re-warehouse.

Forms of Entries.

Examination of Officers.

Certificate of Arrival sent to

XXI. ‘ And whereas it is expedient to make Regulations for the Removal of warehoused Goods from one warehousing Port to another, and from one Warehouse to another in the same Port ;’ be it therefore enacted, That any Goods which have been warehoused at some Port in the United Kingdom may be removed by Sea or Inland Carriage to any other Port in the same, in which the like Goods may be warehoused upon Importation to be re-warehoused at such other Port, and again as often as may be required to any other such Port, to be there re-warehoused, subject to the Regulations herein-after mentioned ; (that is to say,) Twelve Hours Notice in Writing of the Intention to remove such Goods shall be given to the Warehouse Officer, specifying the particular Goods intended to be removed, and the Marks, Numbers, and Descriptions of the Packages in which the same are contained, in what Ship imported, when and by whom entered inwards to be warehoused, and if subsequently re-warehoused when and by whom re-warehoused, and to what Port the same are to be removed ; and thereupon the Warehouse Officer shall take a particular Account of such Goods, and shall mark the Contents on every Package in preparation for the delivering of the same for the Purposes of such Removal, and previous to the Delivery thereof may cause the proper Seals of Office to be affixed thereto : Provided always, that Tobacco, the Produce of the *British Possessions in America* or of the United States of *America*, and purchased for the Use of His Majesty’s Navy, may be removed by the Purser of any Ship of War in actual Service to the Ports of *Rochester, Portsmouth, or Plymouth*, to be there re-warehoused, in Name of such Purser, in such Warehouse as shall be approved for that Purpose by the Commissioners of His Majesty’s Customs.

XXII. And be it further enacted, That before such Goods shall be delivered to be removed due Entry of the same shall be made, and a proper Bill of such Entry, with Duplicates thereof, be delivered to the Collector or Controller, containing the before-mentioned Particulars, and an exact Account of the Quantities of the different Sorts of Goods ; and such Bill of the Entry, signed by the Collector and Controller, shall be the Warrant for the Removal of such Goods ; and an Account of such Goods, containing all such Particulars, shall be transmitted by the proper Officers of the Port of Removal to the proper Officers of the Port of Destination ; and upon the Arrival of such Goods at the Port of Destination due Entry of the same to be re-warehoused shall in like Manner be made with the Collector and Controller at such Port, containing all the Particulars and Accounts before mentioned, together with the Name of the Port from which such Goods have been removed, and the Description and Situation of the Warehouse in which they are to be warehoused ; and the Bill of such Entry, signed by such Collector and Controller, shall be the Warrant to the Landing Officer and the Warehouse Officer to admit such Goods to be there re-warehoused, under such Examination as is made of the like Goods when first warehoused upon Importation from Parts beyond the Seas ; and the Particulars to be contained in such Notice and in such Entries shall be written and arranged in such Form and Manner

Manner as the Collector and Controller shall require; and the Officers at the Port of Arrival shall transmit to the Officers at the Port of Removal an Account of the Goods so arrived, according as they shall upon Examination prove to be, and the Warehouse Officers at the Port of Removal shall notify such Arrival in their Books.

Port of Removal.

XXIII. And be it further enacted, That the Persons removing such Goods shall at the Time of entering the same give Bond, with One sufficient Surety, for the due Arrival and re-warehousing of such Goods within a reasonable Time, (with reference to the Distance between the respective Ports, to be fixed by the Commissioners of His Majesty's Customs,) which Bond may be taken by the Collector and Controller either of the Port of Removal or of the Port of Destination, as shall best suit the Residence or Convenience of the Persons interested in the Removal of such Goods; and if such Bond shall have been given at the Port of Destination, a Certificate thereof under the Hands of the Collector and Controller of such Port shall, at the Time of entering such Goods, be produced to the Collector or Controller of the Port of Removal.

Bond to re-warehouse, which may be given at either Port.

XXIV. And be it further enacted, That such Bond shall not be discharged unless such Goods shall have been duly re-warehoused at the Port of Destination within the Time allowed for such Removal, or shall have been otherwise accounted for to the Satisfaction of the said Commissioners, nor until the full Duties due upon any Deficiency of such Goods shall have been paid, nor until fresh Security shall have been given in respect of such Goods in manner herein-after provided, unless such Goods shall have been lodged in some Warehouse in respect of which general Security shall have been given by the Proprietor or Occupier thereof, or in some Warehouse in respect of which no Security is required.

Bond how to be discharged.

XXV. And be it further enacted, That such Goods when so re-warehoused may be entered and shipped for Exportation, or entered and delivered for Home Use, as the like Goods may be when first warehoused upon Importation, and the Time which such Goods shall be allowed to remain re-warehoused at such Port shall be reckoned from the Day when the same were first entered to be warehoused.

Goods re-warehoused held on Terms of the first warehousing.

XXVI. And be it further enacted, That if upon the Arrival of such Goods at the Port of Destination the Parties shall be desirous forthwith to export the same, or to pay Duty thereon for Home Use, without actually lodging the same in the Warehouse for which they have been entered and examined to be re-warehoused, it shall be lawful for the Officers of the Customs at such Port, after all the Formalities of entering and examining such Goods for re-warehousing have been duly performed (except the actual Labour of carrying and of lodging the same in the Warehouse), to consider the same as virtually or constructively re-warehoused, and to permit the same to be entered and shipped for Exportation, or to be entered and delivered for Home Use, upon Payment of the Duties due thereon in like Manner as if such Goods had been actually so carried and lodged in such Warehouse; and the Account taken for the re-warehousing of such Goods may serve as the Account for delivering the same as if from the Warehouse, either for Shipment or for Payment of Duties, as the Case may be; and all Goods

On Arrival, after Forms of re-warehousing, Parties may enter to export; or take for Home Use, without first carrying to the Warehouse.

Removal in the
same Port.

so exported, or for which the Duties have been so paid, shall be deemed to have been duly cleared from the Warehouse.

XXVII. And be it further enacted, That any Goods which have been warehoused in some Warehouse in the Port of *London* may, with the Permission of the Commissioners of Customs first obtained, be removed to any other Warehouse in the said Port in which the like Goods may be warehoused on Importation; and any Goods which have been warehoused in some Warehouse in any other Port may, with the Permission of the Collector and Controuler of such Port first obtained, be removed to any other Warehouse in the same Port in which the like Goods may be warehoused on Importation, under such general Regulations as the Commissioners of the Customs shall direct.

Goods and
Parties subject
to original Con-
ditions.

XXVIII. And be it further enacted, That all Goods which shall have been removed from one Warehouse for or to another, whether in the same Port or in a different Port, and all Proprietors of such Goods, shall be held subject in all respects to all the Conditions to which they would have been held subject if such Goods had remained in the Warehouse where the same had been originally warehoused.

Goods sold, new
Owner may
give Bond, and
release the
original Bond.

XXIX. And be it further enacted, That if any Goods shall have been warehoused in any Warehouse in respect of which general Security by Bond, as herein-before provided, shall not have been given by the Proprietor or Occupier of such Warehouse, and particular Security, as in such Case is required, shall have been given by the Importer of such Goods in respect of the same, and such Goods shall have been sold or disposed of, so that the original Bond shall be no longer interested in or have Controul over such Goods, it shall be lawful for the proper Officers to admit fresh Security to be given by the Bond of the new Proprietor of such Goods or Persons having the Controul over the same, with his sufficient Surety, and to cancel the Bond given by the original Bond of such Goods, or to exonerate him and his Surety to the Extent of the fresh Security so given.

Bond of Re-
mover to be in
force in new
Warehouse
until fresh
Bond be given
by new Owner.

XXX. And be it further enacted, That if the Person removing any Goods from one Port to another, and who shall have given Bond in respect of such Removal and Re-warehousing, shall be and continue to be interested in such Goods after the same shall have been duly re-warehoused, and such Goods shall have been so re-warehoused in some Warehouse, in respect of which Security is required, and the Proprietor or Occupier of the same shall not have given general Security, the Bond in respect of such Removal and Rewarehousing shall be conditioned and continue in force, for the rewarehousing of such Goods, until fresh Bond be given by some new Proprietor or other Person, in manner herein-before provided.

To sort, sepa-
rate, and repack
in same or equal
Packages.

XXXI. And be it further enacted, That it shall be lawful in the Warehouse to sort, separate, pack, and re-pack any Goods, and to make such lawful Alterations therein, or Arrangements thereof, as may be necessary either for the Preservation of such Goods, or in order to the Sale, Shipment, or legal Disposal of the same; provided that such Goods be repacked in the same Packages in which the same Goods, or some Part of the whole Quantity of the same Parcel of Goods, were imported, or in Packages of entire Quantity

Quantity equal thereto, or in such other Packages as the Commissioners of His Majesty's Customs shall permit (not being less in any Case, if the Goods be to be exported or to be removed to another Warehouse, than may be required by Law for the Importation of such Goods); and also in the Warehouse to draw off any Wine or any Rum of the *British* Plantations into reputed Quart Bottles or reputed Pint Bottles, for the Purpose only of being exported from the Warehouse; and also in the Warehouse to draw off any such Rum into Casks containing not less than Twenty Gallons each, for the Purpose only of being disposed of as Stores for Ships; and also in the Warehouse to draw off any other Spirits into reputed Quart Bottles, under such Regulations as the Commissioners of Customs shall from Time to Time direct, for the Purpose only of being exported from the Warehouse; and also in the Warehouse to draw off and mix with any Wine any Brandy secured in the same Warehouse, not exceeding the Proportion of Ten Gallons of Brandy to One hundred Gallons of Wine; and also in the Warehouse to fill up any Casks of Wine or Spirits from any other Casks of the same, respectively secured in the same Warehouse; and also in any Warehouse of special Security to rack off any Wine from the Lees, and in such Warehouse to mix any Wines of the same Sort, erasing from the Casks all import Brands; and also in the Warehouse to take such moderate Samples of Goods as may be allowed by the Commissioners of His Majesty's Customs, without Entry and without Payment of Duty, except as the same may eventually become payable, as on a Deficiency of the original Quantity.

To bottle off
Wine or Rum
for Exportation.

To draw off
Rum for Stores.

To mix Brandy
with Wine for
Exportation.

To fill up or
rack off Casks
of Wine.

To take
Samples.

XXXII. Provided always, and be it further enacted, That no Alteration shall be made in any such Goods or Packages, nor shall any such Wine, Rum, Brandy, or Spirits be bottled, drawn off, mixed, or filled up, nor shall any such Samples be taken, except after such Notices given by the respective Importers or Proprietors, and at such Times and in such Manner, and under such Regulations and Restrictions, as the Commissioners of Customs shall from Time to Time require and direct.

No Alteration
to be made in
Goods or Pack-
age but accord-
ing to such Re-
gulations as the
Commissioners
shall direct.

XXXIII. ' And whereas it may happen, that after the repacking
' into proper Packages of any Parcel of Goods which have been
' unpacked and separated or drawn off from the original Package in
' any of the Cases hereinbefore provided for, there may remain some
' surplus Quantities of the respective Parcels of such Goods, which
' may not be sufficient to make or fill up any One of such proper
' Packages, or it may happen that some Part of such Goods, when
' separated from other Parts, may be such refuse or in so damaged
' a State as to be worthless, or that the total Quantity of such Parcel
' of Goods may be reduced by the Separation of Dirt or Sediment,
' or by the Dispersion of Dust or otherwise: And whereas the Duties
' payable on such Goods may have been levied at a Rate having
' regard to a just Allowance for the State in which such Goods are
' imported, and it is not proper that any manufacturing Process
' should be performed in such Warehouse to the Detriment of the
' Revenue;' be it therefore enacted, That after such Goods have been
so repacked in proper Packages it shall be lawful for the Commis-
sioners of the Customs, at the Request of the Importer or Proprietor
of such Goods, to cause or permit any of such refuse, damaged, or

Repacking in
proper Packages.

After repacking
damaged Parts
may be
destroyed.

Disposal of
surplus
Quantity.

Quantities in
new Packages
to be marked,
and Deficiency
to be appor-
tioned.

Abandonment
of Goods for
the Duty.

No Foreign
Casks, &c. to
be used for
repacking unless
Duties have
been paid, &c.

Silks, Linens,
&c. to be deli-
vered out of
Warehouse, to
be cleaned, &c.
or bleached;
also Rice of the
East Indies to
be cleaned.

Copper Ore
may be taken
out of Ware-
house to be
smelted.

surplus Goods not contained in any of such Packages, to be destroyed; and if the Goods be such as may be delivered for Home Use, the Duties shall be immediately paid upon any Part of such Surplus as may remain, and the same shall be delivered for Home Use accordingly; and if they be such as may not be so delivered, such Surplus as may so remain shall be disposed of for the Purpose of Exportation in such Manner as the Commissioners of the Customs shall direct; and thereupon the Quantity contained in each of such proper Packages shall be ascertained and marked upon the same, and the Deficiency shall be ascertained by a Comparison of the total Quantity in such proper Packages with the total Quantity first warehoused, and the Proportion which such Deficiency may bear to the Quantity in each Package shall also be marked on the same, and added to such Quantity, and the total shall be deemed to be the imported Contents of such Package, and be held subject to the full Duties of Importation, except as otherwise in any Case provided by this Act: Provided always, that it shall be lawful for the Commissioners of His Majesty's Customs to accept the Abandonment, for the Duties, of any Quantity of Tobacco or Coffee, or Pepper or Cocoa, or Lees of Wine, and also of any whole Packages of other Goods, and to cause or permit the same to be destroyed, and to deduct such Quantity of Tobacco or Coffee, or Pepper or Cocoa, or the Contents of such whole Packages, from the total Quantity of the same Importation, in computing the Amount of the Deficiency of such total Quantity.

XXXIV. And be it further enacted, That no Foreign Casks, Bottles, Corks, Packages, or Materials whatever, except any in which some Goods shall have been imported and warehoused, shall be used in the repacking of any Goods in the Warehouse, unless the full Duties shall have been first paid thereon.

XXXV. And be it further enacted, That it shall be lawful for the Commissioners of the Customs to permit any Stuffs or Fabrics of Silk, Linen, Cotton, or Wool, or of any Mixture of them or of any of them with any other Material, to be taken out of Warehouse to be cleaned, refreshed, dyed, stained, or calendered, or to be bleached or printed, without Payment of Duty of Customs, under Security, nevertheless, by Bond to their Satisfaction, that such Goods shall be returned to the Warehouse within the Time that they shall appoint; and that it shall be lawful for the said Commissioners, in like Manner and under like Security, to permit any Rice, the Produce of Places within the Limits of the *East India* Company's Charter, to be delivered out of Warehouse to be cleaned, making such Allowance for Waste as to the said Commissioners shall appear to be reasonable.

XXXVI. And be it further enacted, That it shall be lawful for the Importer or Proprietor of any Copper Ore warehoused to give Notice to the proper Officers of the Customs of his Intention to take such Ore out of Warehouse to be smelted, stating in such Notice the Quantity of Copper computed to be contained in such Ore, and delivering to such Officers sufficient Samples or Specimens for ascertaining by proper Assays, at the Expence of the Proprietor, such Quantity of Copper, and giving sufficient Security by Bond for returning such Quantity of Copper into the Warehouse; and if such Officers shall be satisfied of the Fairness of the

Samples

Samples or Specimens of such Ore, and of the Assays made of the same, and of the Security given, they shall deliver such Ore for the Purpose of being smelted as aforesaid: Provided always, that if any Copper Ore intended to be so smelted shall be imported into any Port where such Ore or where Copper cannot be warehoused, the same may be entered as being to be warehoused at the Port at which the Copper after smelting is to be warehoused, and such Ore shall thereupon be taken account of and delivered for the Purposes aforesaid, in like Manner as if the same had been warehoused: Provided also, that all Copper so produced by smelting shall be deemed to be Copper imported, and shall be warehoused as such.

XXXVII. And be it further enacted, That no Parcels of Goods so warehoused which were imported in Bulk shall be delivered, except in the whole Quantity of each Parcel, or in a Quantity not less than One Ton Weight, unless by special Leave of the proper Officers of the Customs.

Goods in Bulk delivered.

XXXVIII. And be it further enacted, That no Goods so warehoused shall be delivered, unless the same or the Packages containing the same shall have been marked in such distinguishing Manner as the Commissioners of His Majesty's Customs shall deem necessary and practicable, and shall from Time to Time direct.

Packages to be marked before Delivery.

XXXIX. ' And whereas some Sorts of Goods are liable in ' Time to Decrease and some to Increase, and some to Fluctuation ' of Quantity, by the Effect of the Atmosphere and other natural ' Causes, and it may be necessary in some Cases that the Duties ' should not be charged upon the Deficiency arising from such ' Causes;' be it therefore enacted, That it shall be lawful for the said Commissioners of His Majesty's Treasury to make Regulations for ascertaining the Amount of such Decrease or Increase of the Quantity of any particular Sorts of Goods, and to direct in what Proportion any Abatement of Duty payable under this Act for Deficiencies shall, upon the Exportation of any such Goods, be made on account of any such Decrease: Provided always, that if such Goods be lodged in Warehouses declared in the Order of Appointment to be of special Security, no Duty shall be charged for any Amount whatever of Deficiency of any of such Goods on the Exportation thereof, except in Cases where Suspicion shall arise that Part of such Goods has been clandestinely conveyed away, nor shall any such Goods (unless they be Wine or Spirits) be measured, counted, weighed, or gauged for Exportation, except in such Cases of Suspicion.

Decrease and Increase may be ascertained and allowed under Regulations of the Treasury.

No Duty on Deficiency of Goods exported from Warehouses declared of special Security.

XL. Provided always, and be it further enacted, That for any Wine, Spirits, Coffee, Cocoa Nuts, or Pepper lodged in Warehouses, not being declared to be of special Security, the following Allowances for natural Waste in proportion to the Time during which any such Goods shall have remained in the Warehouse shall be made upon the Exportation thereof, according as such Allowances are herein-after respectively set forth; (that is to say,)

Allowances for natural Waste of Wine, Spirits, &c. in Warehouses not of special Security.

Wine, upon every Cask; <i>videlicet</i> ,		
— for any Time not exceeding One Year	-	One Gallon.
— for any Time exceeding One Year, and not exceeding Two Years	-	Two Gallons.
— for any Time exceeding Two Years	-	Three Gallons.
		Spirits,

Spirits, upon every Hundred Gallons Hydrometer Proof; *videlicet*,

_____ for any Time not exceeding Six Months -	One Gallon.
_____ for any Time exceeding Six Months, and not exceeding Twelve Months -	Two Gallons.
_____ for any Time exceeding Twelve Months, and not exceeding Eighteen Months -	Three Gallons.
_____ for any Time exceeding Eighteen Months, and not exceeding Two Years -	Four Gallons.
_____ for any Time exceeding Two Years -	Five Gallons.
Coffee, Cocoa Nuts, Pepper, for every One hundred Pounds, and so in proportion for any less Quantity -	Two Pounds.

In Cases of Embezzlement and Waste through Misconduct of Officers, Damages to be made good to the Proprietor.

XLII. And be it further enacted, That in case it shall at any Time happen that any Embezzlement, Waste, Spoil, or Destruction shall be made of or in any Goods or Merchandize which shall be warehoused in Warehouses under the Authority of this Act, by or through any wilful Misconduct of any Officer or Officers of Customs or Excise, such Officer or Officers shall be deemed guilty of a Misdemeanor, and shall upon Conviction suffer such Punishment as may be inflicted by Law in Cases of Misdemeanor; and if such Officer shall be so prosecuted to Conviction by the Importer, Consignee, or Proprietor of the Goods or Merchandize so embezzled, wasted, spoiled, or destroyed, then and in such Case no Duty of Customs or Excise shall be payable for or in respect of such Goods or Merchandize so embezzled, wasted, spoiled, or destroyed, and no Forfeiture or Seizure shall take place of any Goods and Merchandize so warehoused in respect of any Deficiency caused by such Embezzlement, Waste, Spoil, or Destruction, and the Damage occasioned by such Embezzlement, Waste, Spoil, or Destruction of such Goods or Merchandize shall be repaid and made good to such Importer, Consignee, or Proprietor by the Commissioners of Customs or Excise, under such Orders, Regulations, and Directions as shall be for that Purpose made and given by the Commissioners of His Majesty's Treasury or any Three of them.

On Entry outwards Bond for due shipping and landing shall be given.

XLII. ' And whereas it is expedient to make Regulations for ' the exporting of such Goods to Parts beyond the Seas as have ' been imported into the United Kingdom from Parts beyond the ' Seas, and warehoused without Payment of any Duty on the Im- ' portation thereof, or notwithstanding that the same may be pro- ' hibited to be used in the United Kingdom;' be it therefore enacted, That upon the Entry outwards of any Goods to be exported from the Warehouse to Parts beyond the Seas, and before Cocket be granted, the Person in whose Name the same be entered shall give Security by Bond in Double the Value of such Goods, with One sufficient Surety that such Goods shall be duly shipped and exported, and shall be landed at the Place for which they be entered outwards, or otherwise accounted for to the Satisfaction of the Commissioners of His Majesty's Customs.

Bond for Beef and Pork exported from Warehouse.

XLIII. Provided always, and be it further enacted, That upon the Entry outwards of any salted Beef or salted Pork to be exported from the Warehouse to Parts beyond the Seas, and before Cocket be granted, the Person in whose Name the same be entered shall

give Security by Bond in Treble the Value of the Goods, with Two sufficient Sureties, of whom the Master of the exporting Ship shall be One, that such Beef or Pork shall be duly shipped and exported, and that no Part thereof shall be consumed on board such Ship, and that the same shall be landed at the Place for which it be entered outwards; and that a Certificate of such landing shall be produced within a reasonable Time, according to the Voyage, to be fixed by the Commissioners of the Customs, and mentioned in the Bond, such Certificate to be signed by the Officers of the Customs or other *British* Officer, if the Goods be landed at a Place in the *British* Dominions, or by the *British* Consul, if the Goods be landed at a Place not in the *British* Dominions, or that such Goods shall be otherwise accounted for to the Satisfaction of the said Commissioners; and such Master shall make and sign a Declaration that such Beef or Pork is to be laden on board such Ship as Merchandize to be carried to and landed at Parts beyond the Seas, and not as Stores for the said Ship; and if such Ship shall not have on board at the Time of Clearance outwards a reasonable Supply or Stock of Beef or Pork according to the intended Voyage borne upon the Victualling Bill, the Master of such Ship shall forfeit the Sum of One hundred Pounds.

Beef and Pork
exported from
Warehouse not
to be used as
Stores.

XLIV. And be it further enacted, That no Goods shall be exported from the Warehouse to the *Isle of Man*, except such Goods as may be imported into the said Island with Licence of the Commissioners of His Majesty's Customs, and in virtue of any such Licence first obtained.

Restriction as
to the Isle of
Man.

XLV. And be it further enacted, That all Goods taken from the Warehouse for Removal or for Exportation shall be removed or shall be carried to be shipped, under the Care or with the Authority or Permission of the proper Officer of the Customs, and in such Manner, and by such Persons, and within such Spaces of Time, and by such Roads or Ways, as the proper Officer of the Customs shall authorize, permit, or direct; and all such Goods not so removed or carried shall be forfeited.

Goods removed
from Warehouse
for Shipment
under Care of
Customs
Officers.

XLVI. And be it further enacted, That it shall not be lawful for any Person to export any Goods so warehoused, nor to enter for Exportation to Parts beyond the Seas any Goods so warehoused, in any Ship which shall not be of the Burthen of Seventy Tons or upwards.

Ships to be not
less than 70
Tons for export-
ing warehoused
Goods.

XLVII. And be it further enacted, That all Goods or Merchandize which shall be landed in Docks, and lodged in the Custody of the Proprietors of the said Docks, under the Provisions of this Act, not being Goods seized as forfeited to His Majesty, shall, when so landed, continue and be subject or liable to such and the same Claim for Freight in favour of the Master and Owner or Owners of the respective Ships or Vessels, or of any other Person or Persons interested in the Freight of the same, from or out of which such Goods or Merchandize shall be so landed, as such Goods, Wares, or Merchandize respectively were subject and liable to whilst the same were on board such Ships or Vessels, and before the landing thereof; and the Directors and Proprietors of any such Docks at or in which any such Goods or Merchandize may be landed and lodged as aforesaid, or their Servants or Agents, or any of them, shall and may, and they are hereby authorized, empowered,

Goods landed in
Docks liable to
Claims for
Freight as
before landing.

and

and required, upon due Notice in that Behalf given to them by such Master or Masters, Owner or Owners, or other Persons as aforesaid, to detain and keep such Goods and Merchandize, not being seized as forfeited to His Majesty, in the Warehouses belonging to the said Docks as aforesaid, until the respective Freight to which the same shall be subject and liable as aforesaid shall be duly paid or satisfied, together with the Rates and Charges to which the same shall have been subject and liable, or until a Deposit shall have been made by the Owner or Owners, or Consignee or Consignees of such Goods or Merchandize, equal in Amount to the Claim or Demands made by the Master, Owner or Owners of the respective Ships or Vessels, or other Persons as aforesaid, for or on account of Freight upon such Goods or Merchandize; which Deposit the said Directors or Proprietors of such Docks, or their Agents respectively, are hereby authorized and directed to receive and hold in Trust, until the Claim or Demand for Freight upon such Goods shall have been satisfied; upon Proof of which, and Demand made by the Person or Persons, their Executors, Administrators, or Assigns, by whom the said Deposit shall have been made, and the Rates and Charges due upon the said Goods being first paid, the said Deposit shall be returned to him or them by the said Directors or Proprietors, or their Agents on their Behalf, with whom the said Deposit shall have been made as aforesaid.

Act may be altered this Session.

XLVIII. And be it further enacted, That this Act may be altered, varied, or repealed by any Act or Acts to be passed in this present Session of Parliament.

CAP. LVIII.

An Act to grant certain Bounties and Allowances of Customs. [28th August 1833.]

WHEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to grant certain Bounties and Allowances of Customs*, where-
by the Laws of Customs in relation to Bounties and Allowances of Customs were consolidated and amended: And whereas since the passing of the said Act divers Acts for the further Amend-
ment of the Law have been found necessary; and it will be of advantage to the Trade and Commerce of the Country that the said Acts should be consolidated into One Act: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That this Act shall commence upon the First Day of September One thousand eight hundred and thirty-three, except where any other Commencement is herein particularly directed.

Commence-
ment of Act.

II. And be it further enacted, That so long as the Duties which are now made due and payable upon the Importation of Sugar until the Fifth Day of April One thousand eight hundred and thirty-four shall be continued, there shall be allowed upon the Exportation of Refined Sugar made in the United Kingdom the several Bounties set forth in the Table herein-after contained; (that is to say,)

Refined

845/2 29
847/2 27
849/2 24
849/2 24
849/2 24
6 G. 4 c. 113.

Bounties allow-
ed upon the
Exportation of
Refined Sugar.
cont'd by 213
c. 21 213
748 24 282.9

Refined Sugar, <i>videlicet</i> ,	£	s.	d.
— Bastard Sugar, or Refined Loaf Sugar broken in Pieces, or being ground or powdered Sugar, or such Sugar pounded, crashed, or broken,			
- - - exported in a <i>British</i> Ship, for every Hundred Weight	1	4	0
- - - exported in a Ship not <i>British</i> , for every Hundred Weight	1	3	0
— Other refined Sugar in <i>Loaf</i> , complete and whole, or Lumps duly refined, having been perfectly clarified and thoroughly dried in the Stove, and being of a uniform Whiteness throughout, or such Sugar pounded, crashed, or broken, and Sugar Candy,			
- - - exported in a <i>British</i> Ship, for every Hundred Weight	1	16	10
- - - exported in a Ship not <i>British</i> , for every Hundred Weight	1	15	8
— Double Refined Sugar, and Sugar equal in Quality to Double Refined Sugar, additional Bounty for every Hundred Weight	0	6	4

III. And be it further enacted, That the Exporter of any Goods in respect of which any Bounty is claimed under this Act, or the Person in whose Name the same are entered Outwards, shall, at the Time of Entry and before Cocket be granted, give Security by Bond in Double the Value of the Goods, with One sufficient Surety, that the same shall be duly exported to the Place for which they are entered, or be otherwise accounted for to the Satisfaction of the Commissioners of the Customs, and shall not be relanded in the United Kingdom, or landed in the *Isle of Man*, unless expressly entered to be exported thereto.

Bond to be given for the due Exportation.

IV. And be it further enacted, That no Bounty shall be given upon the Exportation of any Refined Sugar called Candy, unless it be properly refined and manufactured, and free from Dirt and Scum, and packed in Packages, each of which shall contain Half a Hundred Weight of such Candy at the least.

Candy in Packages of Half Cwt.

V. And be it further enacted, That if any Sugar in Lumps or Loaves is to be pounded, crashed, or broken before the same be exported, for the Bounty payable thereon, such Lumps or Loaves shall, after due Entry thereof, be lodged in some Warehouse provided by the Exporter and approved by the Commissioners of the Customs for such Purpose, to be then first examined by the Officers of Customs while in such Lumps or Loaves, as if for immediate Shipment, and afterwards to be there pounded, crashed, or broken, and packed for Exportation, in the Presence of such Officers and at the Expence of the Exporter; and such Sugar shall be kept in such Warehouse, and be removed from thence for Shipment, and be shipped under the Care and in the Charge of the Searchers, in order that the Shipment and Exportation thereof may be duly certified by them upon the Debenture, according to the Quality ascertained by them of the same while in such Lumps or Loaves.

Sugar crashed for Exportation

VI. And be it further enacted, That the different Sorts of such Sugar shall be kept apart from each other in such Manner and in such distinct Rooms or Divisions of such Warehouse as shall be directed and appointed by the Commissioners of the Customs; and

Different Sorts of crashed Sugar to be kept separate.

if

if any Sort of such Sugar shall be found in any Part of such Warehouse appointed for the keeping of Sugar of a Sort superior in Quality thereto, the same shall be forfeited; and if any Sort of such Sugar shall be brought to such Warehouse to be pounded, crashed, or broken, which shall be of a Quality inferior to the Sort of Sugar expressed in the Entry for the same, such Sugar shall be forfeited.

Committee of
Sugar Refiners
to provide Sam-
ple Loaves of
Double Refined
Sugar.

VII. And be it further enacted, That there shall be provided by and at the Expence of the Committee of Sugar Refiners in *London* and in like Manner by and at the Expence of the Committee of Merchants in *Dublin*, as many Loaves of Double Refined Sugar, prepared in manner herein-after directed, as the Commissioners of Customs shall think necessary; which Loaves, when approved of by the said Commissioners, shall be deemed and taken to be Standard Samples; one of which Loaves shall be lodged with the said Committees respectively, and one other with such Person or Persons as the said Commissioners shall direct, for the Purpose of comparing therewith Double Refined Sugar, or Sugar equal in Quality to Double Refined Sugar, entered for Exportation for the Bounty; and fresh Standard Samples shall in like Manner be again furnished by such Committees respectively, and in like Manner lodged, whenever it may be deemed expedient by the said Commissioners: Provided always, that no Loaf of Sugar shall be deemed to be a proper Sample Loaf of Double Refined Sugar as aforesaid if it be of greater Weight than Fourteen Pounds, nor unless it be a Loaf complete and whole, nor unless the same shall have been made by a distinct Second Process of Refinement from a Quantity of Single Refined Sugar, every Part of which had first been perfectly clarified and duly refined, and had been made into Loaves or Lumps which were of a uniform Whiteness throughout, and had been thoroughly dried in the Stove.

Sugar entered
not equal to the
Standard shall
be forfeited.

VIII. And be it further enacted, That in case any Sugar which shall be entered in order to obtain the Bounty on Double Refined Sugar, or Sugar equal in Quality to Double Refined Sugar, shall, on Examination by the proper Officer, be found to be of a Quality not equal to such Standard Sample, all Sugar so entered shall be forfeited and may be seized.

Drawbacks
upon Expor-
tation of Silk
Goods.

IX. And be it further enacted, That upon the Exportation of Silk Goods there shall be allowed the several Drawbacks of the Duties payable on the Importation of Thrown Silks set forth in the Table herein-after contained; (that is to say,)

DRAWBACKS on the EXPORTATION of SILK GOODS manufactured in the UNITED KINGDOM:

	£	s.	d.
For every Pound of Stuffs or Ribbons of Silk, composed of Silk only, and being of the Value of Fourteen Shillings at least	0	3	6
For every Pound of Stuffs or Ribbons of Silk and Cotton mixed, whereof One Half at least shall be Silk, and being of the Value of Four Shillings and Eight-pence at least	0	1	2
For every Pound of Stuffs or Ribbons of Silk and Worsted mixed, whereof One Half at least shall be Silk, and being of the Value of Two Shillings and Four-pence at least	0	0	7

X. And be it further enacted, That such Drawbacks shall be allowed only in respect of Exportations to be made by the Persons in whose Names the Amount of Duties to be drawn back had been paid, or to be made by any Holder of any written Order signed by any such Persons transferring the Right of making such Exportations and of receiving such Drawbacks thereupon.

To whom only Drawbacks shall be allowed.

XI. And be it further enacted, That the said Drawbacks shall be allowed although the manufactured Silks in respect of which the same shall be claimed shall not have been made of the Thrown Silk in respect of which the Amount of Duties to be drawn back had been paid, and whether such Amount of Duties shall have been received under the Authority of this Act or of any former Act: Provided always, that the said Drawbacks shall not be allowed unless such manufactured Silks be shipped for Exportation within Two Years after the Payment of such Duties.

Drawbacks to be allowed whether the Duties have been received under this or any former Act, if Silks are shipped within Two Years.

XII. And be it further enacted, That for and in respect of all Deals and Timber herein-after described, being of the Growth of *Norway* and imported direct from thence, and used in the Mines of Tin, Lead, or Copper in the Counties of *Devon* or *Cornwall*, or in *Ireland*, and on which the Duties of Customs shall have been paid, there shall be allowed and paid the several Drawbacks herein-after mentioned; (that is to say,) on any such Deals being above Seven Inches in Width, Eight Feet in Length and not above Ten Feet in Length, and not exceeding One Inch and a Half in thickness, for every One hundred and twenty the Sum of Four Pounds One Shilling and Three-pence; and on any such Timber being Five Inches Square and not exceeding Ten Inches Square, for every Load containing Fifty Cubic Feet the Sum of Two Pounds Five Shillings and Three-pence.

Drawback on Timber used in Mines.

XIII. And be it further enacted, That the several Drawbacks hereby allowed for and in respect of such Deals and such Timber so used shall be paid to the Owner of any such Mine, under the following Regulations; (that is to say,) the Purser, Agent, or Captain of any such Mine, intending to claim the Drawback under this Act, shall enter or cause to be entered in a Book to be kept for that Purpose an Account of the Quantity of such Deals and Timber used and employed in such Mine, stating of whom such Deals and Timber were purchased, and at what Port the same were stated by the Vendor to have been imported, and twice in each Year he shall deliver an Account thereof to the Collector or Comptroller of the Customs of the Port where the Duty upon such Deals and Timber shall have been stated to have been paid, and shall make and subscribe a Declaration before him to the Truth of such Account, and shall, if required by such Collector or Comptroller, produce the Costs Book of such Mine.

Account to be kept of Timber used in Mines.

XIV. And be it further enacted, That the Person or his Agent who shall have supplied the said Deals and Timber shall make and subscribe a Declaration before the Collector or Comptroller to the Truth of his Account for the same, and, referring to the Importation thereof and Payment of Duties thereon, shall further declare that the Deals and Timber so supplied according to such Account are the indentical Deals and Timber for which the Duties of Customs had been so paid; and thereupon the Collector and Comptroller, being satisfied that such Deals and Timber were supplied for the

Declaration to be made to the Truth of such Account.

Use

Use of such Mine, and that the full Duties of Customs had been paid thereon, a Debenture shall be issued for the Payment of the Drawback allowed by this Act: Provided always, that no Debenture for any such Drawback shall be paid after the Expiration of Three Years from the Day on which the Duty on any of the Deals or Timber mentioned in such Debenture had been paid.

Penalty on delivering false Account.

XV. And be it further enacted, That if the Purser, Agent, or Captain of such Mine shall deliver any false Account of the Quantity of Deals or Timber used and employed, with an Intent to defraud His Majesty, such Purser, Agent, or Captain shall, on being convicted of any such Offence, for the First Offence forfeit the Sum of Two hundred Pounds, and for every Second or further Offence the Sum of Four hundred Pounds, to be sued for within Three Months after the Delivery of the Account.

Act may be altered this Session.

XVI. And be it further enacted, That this Act may be altered, varied, or repealed by any Act or Acts to be passed in this present Session of Parliament.

CAP. LIX.

An Act to regulate the Trade of the *British Possessions* Abroad. [28th August 1833.]

57 H. 6. c. 114. 57
c. 59 - repealed
1849 H. 6. c. 84
and c. 93
6 G. 4. c. 114.

‘ WHEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled ‘ *An Act to regulate the Trade of the British Possessions Abroad*, whereby the Laws of Customs in relation to the Trade of the ‘ *British Possessions* Abroad were consolidated and amended: And ‘ whereas since the passing of the said Act divers Acts for the further ‘ Amendment of the Law have been found necessary, and it will be ‘ of advantage to the Trade and Commerce of the Country that the ‘ said Acts should be consolidated into One Act:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That this Act shall commence upon the First Day of *September* One thousand eight hundred and thirty-three, except where any other Commencement is herein particularly directed.

Commencement of Act.

Importation and Exportation of Goods confined to Free Ports.

II. And be it further enacted, That no Goods shall be imported into, nor shall any Goods, except the Produce of the Fisheries in *British Ships*, be exported from, any of the *British Possessions* in *America* by Sea from or to any Place other than the United Kingdom, or some other of such Possessions, except into or from the several Ports in such Possessions, called “ Free Ports,” enumerated or described in the Table following; (that is to say,)

TABLE OF FREE PORTS.

Kingston, Savannah Le Mar, Montego Bay, Santa Lucia, Antonio, Saint Ann, Falmouth, Maria, Morant Bay, Annotto Bay, Black River, Rio Bueno, Port Morant	}	Jamaica.
Saint George		
Roseau		
Saint John's		
		Grenada.
		Dominica.
		Antigua.

San

San Josef	-	-	-	-	-	Trinidad.
Scarborough	-	-	-	-	-	Tobago.
Road Harbour	-	-	-	-	-	Tortola.
Nassau	-	-	-	-	-	New Providence.
Pitt's Town	-	-	-	-	-	Crooked Island.
Kingston	-	-	-	-	-	Saint Vincent.
Port Saint George and Port Hamilton	-	-	-	-	-	Bermuda.
Any Port where there is a Custom House	-	-	-	-	-	Bahamas.
Bridgetown	-	-	-	-	-	Barbadoes.
Saint John's, Saint Andrew's	-	-	-	-	-	New Brunswick.
Halifax, Pictou	-	-	-	-	-	Nova Scotia.
Quebec	-	-	-	-	-	Canada.
Saint Johns	-	-	-	-	-	Newfoundland.
George Town	-	-	-	-	-	Demerara.
New Amsterdam	-	-	-	-	-	Berbice.
Castries	-	-	-	-	-	Saint Lucia.
Basseterre	-	-	-	-	-	Saint Kitt's.
Charles Town	-	-	-	-	-	Nevis.
Plymouth	-	-	-	-	-	Montserrat.
Sydney	-	-	-	-	-	Cape Breton.
Charlotte Town	-	-	-	-	-	Prince Edward's Island.
Anguilla	-	-	-	-	-	Anguilla.

And if any Goods shall be imported into any Port or Place in any of the said Possessions contrary hereto, such Goods shall be forfeited.

III. Provided always, That if His Majesty shall deem it expedient to extend the Provisions of this Act to any Port or Ports not enumerated in the said Table, it shall be lawful for His Majesty, by Order in Council, to extend the Provisions of this Act to such Port or Ports; and from and after the Day mentioned in such Order in Council all the Privileges and Advantages of this Act, and all the Provisions, Penalties, and Forfeitures therein contained, (subject nevertheless to the Limitations and Restrictions herein-after provided,) shall extend, and be deemed and construed to extend, to any such Port or Ports respectively, as fully as if the same had been inserted and enumerated in the said Table at the Time of passing this Act: Provided also, that nothing herein-before contained shall extend to prohibit the Importation or Exportation of Goods into or from any Ports or Places in *Newfoundland* or *Labrador* in *British* Ships.

His Majesty
may appoint
other Ports to
be free Ports.

IV. 'And whereas there are in the said Possessions many Places situated in Rivers and in Bays at which it may be necessary to establish Ports for particular and limited Purposes only;' be it therefore enacted, That it shall be lawful for His Majesty, in any Order in Council made for the Appointment of any Free Port, to limit and confine such Appointments respectively to any and such Purposes only as shall be expressed in such Order.

His Majesty
may appoint
Ports for limited
Purposes.

V. 'And whereas by the Law of Navigation Foreign Ships are permitted to import into any of the *British* Possessions Abroad, from the Countries to which they belong, Goods the Produce of those Countries, and to export Goods from such Possessions to be carried to any Foreign Country whatever: And whereas it is expedient that such Permission should be subject to certain Conditions;' be it therefore enacted, That the Privileges thereby granted

Privileges
granted to
Foreign Ships
limited to the
Ships of those
Countries
which, having
Colonial Possessions, shall
grant the like

Privileges to
British Ships,
&c.

granted to Foreign Ships shall be limited to the Ships of those Countries which, having Colonial Possessions, shall grant the like Privileges of trading with those Possessions to *British* Ships, or which, not having Colonial Possessions, shall place the Commerce and Navigation of this Country, and of its Possessions Abroad, upon the Footing of the most favoured Nation, unless His Majesty by His Order in Council shall in any Case deem it expedient to grant the Whole or any of such Privileges to the Ships of any Foreign Country, although the Conditions aforesaid shall not in all respects be fulfilled by such Foreign Country: Provided always, that no Foreign Country shall be deemed to have fulfilled the before-mentioned Conditions, or to be entitled to the Privileges aforesaid, unless and until His Majesty shall, by some Order or Orders to be by Him made by the Advice of His Privy Council, have declared that such Foreign Country hath so fulfilled the said Conditions and is entitled to the said Privileges: Provided also, that every Order in Council in force at the Time of the Commencement of this Act whereby Declaration is made of the Countries which are entitled in whole or in part to the Privileges of the Law of Navigation herein-before referred to and recited shall continue in force as effectually as if the same had been afterwards made under the Authority of this Act.

This Act not to
affect 4 G. 4.
c. 77. and 5 G. 4.
c. 1. for regulat-
ing the Trade
of Foreign
Ships.

VI. And be it further enacted, That nothing contained in this Act, or any other Act passed in the present Session of Parliament, shall extend to repeal or in any way alter or affect an Act passed in the Fourth Year of the Reign of His late Majesty, intituled *An Act to authorize His Majesty, under certain Circumstances, to regulate the Duties and Drawbacks on Goods imported or exported in Foreign Vessels, and to exempt certain Foreign Vessels from Pilotage*, nor to repeal or in any way alter or affect an Act passed in the Fifth Year of the Reign of His late Majesty, among other Things, to amend the last-mentioned Act; and that all Trade and Inter-course between the *British* Possessions and all Foreign Countries shall be subject to the Powers granted to His Majesty by those Acts.

Goods prohibi-
ted or restricted
to be imported
into Colonies.

VII. And be it further enacted, That the several Sorts of Goods enumerated or described in the Table following, denominated "*A Table of Prohibitions and Restrictions*," are hereby prohibited to be imported or brought, either by Sea or by Inland Carriage or Navigation, into the *British* Possessions in *America*, or shall be so imported or brought only under the Restrictions mentioned in such Table, according as the several Sorts of such Goods are set forth therein; (that is to say,)

A TABLE OF PROHIBITIONS AND RESTRICTIONS.

Gunpowder,	}
Arms,	
Ammunitions or Utensils of War,	
Prohibited to be imported, except from the United Kingdom or from some other <i>British</i> Possession.	}
Tea,	
Prohibited to be imported, except from the United Kingdom, or from some other <i>British</i> Possession in <i>America</i> , unless by the <i>East India</i> Company, or with their Licence during the Continuance of their exclusive Right of Trade.	
Fish,	

Fish, dried or salted,

Oil, Blubber, Fins, or Skins, the Produce of Creatures living in the Sea,

Prohibited to be imported, except from the United Kingdom, or from some other *British Possession*, or unless taken by *British Ships* fitted out from the United Kingdom or from some *British Possession*, and brought in from the Fishery, and except Herrings from the *Isle of Man*, taken and cured by the Inhabitants thereof.

Coffee,

Sugar,

Melasses,

Rum,

Being of Foreign Production, or the Production of any Place within the Limits of the *East India Company's Charter*, prohibited to be imported into any of the *British Possessions* on the Continent of *South America* or in the *West Indies* (the *Bahama* and *Bermuda* Islands not included), except to be warehoused for Exportation only; and may also be prohibited to be imported into the *Bahama* or the *Bermuda* Islands by His Majesty's Order in Council.

Base or Counterfeit Coin.

Books, such as are prohibited to be imported into the United Kingdom:

Prohibited to be imported.

And if any Goods shall be imported or brought into any of the *British Possessions* in *America* contrary to any of the Prohibitions or Restrictions mentioned in such Table in respect of such Goods, the same shall be forfeited; and if the Ship or Vessel in which such Goods shall be imported be of less Burthen than Seventy Tons, such Ship or Vessel shall also be forfeited.

Goods imported contrary hereto, forfeited.

VIII. And be it further enacted, That all Coffee, Sugar, Melasses, and Rum (although the same may be of the *British Plantations*) exported from any of the *British Possessions* in *America*, into which the like Goods of Foreign Production can be legally imported, shall upon subsequent Importation from thence into any of the *British Possessions* in *America*, into which such Goods, being of Foreign Production, cannot be legally imported, or into the United Kingdom, be deemed to be of Foreign Production, and shall be liable, on such Importation respectively, to the same Duties or the same Forfeitures as Articles of the like Description, being of Foreign Production, would be liable to, unless the same shall have been warehoused under the Provisions of this Act, and exported from the Warehouse direct to such other *British Possession*, or to the United Kingdom, as the Case may be.

Coffee, &c., though British, deemed Foreign in certain Cases.

IX. And be it further enacted, That there shall be raised, levied, collected, and paid unto His Majesty the several Duties of Customs, as the same are respectively set forth in Figures in the Table of Duties herein-after contained, upon Goods, Wares, and Merchandize imported or brought into any of His Majesty's Possessions in *America*; (that is to say,)

Duties of Importation in *America*.

TABLE OF DUTIES.

DUTIES payable upon Spirits, being of the Growth, Production, or Manufacture of the United Kingdom, or of any of the British Possessions in America or the West Indies, imported into Newfoundland or Canada.

Spirits; <i>videlicet</i> , —— imported into Newfoundland; <i>videlicet</i> , - - - - the Produce of any of the British Possessions in South America or the West Indies; <i>videlicet</i> , - - - imported from any British Possession in America, or from the United Kingdom, the Gallon - - - Imported from any other Place, to be deemed Foreign, and to be charged with Duty as such. - - - - the Produce of any British Possession in North America, or of the United King- dom, and imported from the United King- dom, or from any British Possession in America, the Gallon - - - Imported from any other Place, to be deemed Foreign, and to be charged with Duty as such. —— imported into Canada; <i>videlicet</i> , - - - - the Produce of any British Possession in South America or the West Indies, and imported from any British Possession in America, or from the United Kingdom, the Gallon - - - Imported from any other Place, to be deemed Foreign, and to be charged with Duty as such. Note.—When imported from the United Kingdom, this Duty is not to be abated upon the Ground of any Duty under any Colonial Law.	Duty.		
	£	s.	d.
	0	0	6
	0	1	6
	0	0	6

DUTIES payable upon Goods, Wares, and Merchandize, not being of the Growth, Production, or Manufacture of the United Kingdom, or of any of the British Possessions in America, imported or brought into any of the British Possessions in America by Sea or by Inland Carriage or Navigation.

Imported into the British Possessions in the West Indies or on the Continent of South America, or into the Bahama or Bermuda Islands; viz. —— Wheat Flour - - - the Barrel - - - imported from any British Possession in North America, or from the Warehouse in the United Kingdom - - - - -	Duty.		
	£	s.	d.
	0	5	0
	Free.		

Imported into British Possessions in the West Indies, &c.— <i>cont.</i>		Duty.		
Shingles, not more than 12 Inches in Length,		£	s.	d.
	the 1,000	0	7	0
- - -	more than 12 Inches in Length - the 1,000	0	14	0
- - -	imported from any British Possession in North America, or from the Warehouse in the United Kingdom - - - -	Free.		
—	Red Oak Staves and Headings; viz.			
- - -	until the 1st January 1834 - the 1,000	1	6	3
- - -	on and from the 1st January 1834 until the 1st January 1836 - the 1,000	1	2	3
- - -	on and from the 1st January 1836 - the 1,000	0	15	0
- - -	imported from any British Possession in North America, or from the Warehouse in the United Kingdom - - - -	Free.		
—	White Oak Staves and Headings; viz.			
- - -	until the 1st January 1834 - the 1,000	1	3	9
- - -	on and from the 1st January 1834 until the 1st January 1836 - the 1,000	0	19	9
- - -	on and from the 1st January 1836 - the 1,000	0	12	6
- - -	imported from any British Possession in North America, or from the Warehouse in the United Kingdom - - - -	Free.		
—	Pitch Pine Lumber, One Inch thick - the 1,000	1	1	0
- - -	imported from any British Possession in North America, or from the Warehouse in the United Kingdom - - - -	Free.		
—	White and Yellow Pine Lumber, One Inch thick, the 1,000 Feet; viz.			
- - -	until the 1st January 1834 - - - -	1	8	0
- - -	on and from the 1st January 1834 until the 1st January 1836 - - - -	1	6	0
- - -	on and from the 1st January 1836 - - - -	1	1	0
- - -	imported from any British Possession in North America, or from the Warehouse in the United Kingdom - - - -	Free.		
—	Dye Wood and Cabinet-makers Wood - - - -	Free.		
—	Other Kinds of Wood and Lumber, One Inch thick, the 1,000 Feet	1	8	0
—	Wood Hoops - - - - the 1,000	0	5	3
- - -	imported from any British Possession in North America, or from the Warehouse in the United Kingdom - - - -	Free.		
—	Beef and Pork, salted, of all Sorts - - the Cwt.	0	12	0
- - -	imported from any British Possession in North America - - - -	Free.		
Imported into New Brunswick, Nova Scotia, or Prince Edward's Island; viz.				
—	Wheat Flour - - - - the Barrel	0	5	0
—	Beef and Pork, salted, of all Sorts - - the Cwt.	0	12	0
- - -	fresh, brought by Land or Inland Navigation - -	Free.		

		Duty.		
		£	s.	d.
Imported into any of the British Possessions in America; viz.				
Spirits; viz.				
--- Brandy, Geneva, or Cordials, and other Spirits, except Rum		0	1	0
--- and further, the Amount of any Duty payable for the Time being on Spirits the Manufacture of the United Kingdom.				
--- Rum		0	0	6
--- and further, the Amount of any Duty payable for the Time being on Rum of the British Possessions in South America or the West Indies.				
N. B.—Rum, although British, if imported from any British Possession in which Foreign Rum is not prohibited, is treated as Foreign, unless it had been warehoused, and exported from the Warehouse.				
Wine in Bottles		7	7	0
--- and further - - - for every 100℥. of the Value		7	10	0
--- and on the Bottles - - - the Dozen		0	1	0
--- bottled in and imported from the United Kingdom for every 100℥. of the Value.		7	10	0
--- the Bottles - - - - -				Free.
Wine not in Bottles - - - for every 100℥. of the Value		7	10	0
--- imported into the British Possessions in North America from Gibraltar or Malta, subject to no higher Duty than if imported from the United Kingdom; viz. One Tenth of the Duty remitted.				
Coffee - - - - - the Cwt.		0	5	0
Cocoa - - - - - the Cwt.		0	5	0
Sugar - - - - - the Cwt.		0	5	0
Melasses - - - - - the Cwt.		0	3	0
--- and further, the Amount of any Duty payable for the Time being on Coffee, Cocoa, Sugar, and Melasses respectively, being the Produce of the British Possessions in South America or the West Indies.				
Clocks and Watches	-	For every 100℥. of the Value - }		
Leather Manufactures	-			
Linen	-			
Musical Instruments	-			
Wires of all Sorts	-			
Books and Papers	-			
Silk Manufactures	-	For every 100℥. of the Value - }		
Glass Manufactures	-			
Soap	-			
Refined Sugar	-			
Sugar Candy	-			
Tobacco, manufactured	-			
Cotton Manufactures	-	20	0	0

Imported into any of the British Possessions in America— <i>cont.</i>					Duty.		
					£	s.	d.
Alabaster	-	-	-	-			
Anchovies	-	-	-	-			
Argol	-	-	-	-			
Annisseed	-	-	-	-			
Amber	-	-	-	-			
Almonds	-	-	-	-			
Brimstone	-	-	-	-			
Botargo	-	-	-	-			
Boxwood	-	-	-	-			
Currants	-	-	-	-			
Capers	-	-	-	-			
Cascacoo	-	-	-	-			
Cummin Seed	-	-	-	-			
Coral	-	-	-	-			
Cork	-	-	-	-			
Cinnabar	-	-	-	-			
Dates	-	-	-	-			
Essence of Bergamot	-	-	-	-			
— of Lemon	-	-	-	-			
— of Roses	-	-	-	-			
— of Citron	-	-	-	-			
— of Oranges	-	-	-	-			
— of Lavender	-	-	-	-			
— of Rosemary	-	-	-	-			
Emery Stone	-	-	-	-			
Fruit, preserved in Sugar or Brandy	-	-	-	-			
Figs	-	-	-	-			
Honey	-	-	-	-			
Iron in Bars, unwrought, and Pig Iron	-	-	-	-			
Juniper Berries	-	-	-	-			
Incense of Frankincense	-	-	-	-			
Lava and Malta Stone for building	-	-	-	-			
Lentils	-	-	-	-			
Marble, rough and worked	-	-	-	-			
Mosaic Work	-	-	-	-			
Medals	-	-	-	-			
Musk	-	-	-	-			
Maccaroni	-	-	-	-			
Nuts of all Kinds	-	-	-	-			
Oil of Olives	-	-	-	-			
Oil of Almonds	-	-	-	-			
Orris Root	-	-	-	-			
Ostrich Feathers	-	-	-	-			
Ochres	-	-	-	-			
Orange Buds and Peel	-	-	-	-			
Olives	-	-	-	-			
Pitch	-	-	-	-			
Pickles in Jars and Bottles	-	-	-	-			
Paintings	-	-	-	-			
Pozzolana	-	-	-	-			
For every 100 <i>l.</i> of the Value					7	10	0

Duty.	
£	s. d.
Imported into any of the British Possessions in America— <i>cont.</i>	
Pumice Stone	- - - - -
Punk	- - - - -
Parmesan Cheese	- - - - -
Pickles	- - - - -
Prints	- - - - -
Pearls	- - - - -
Precious Stones, except Diamonds	- - - - -
Quicksilver	- - - - -
Raisins	- - - - -
Sausages	- - - - -
Sponges	- - - - -
Tar	- - - - -
Turpentine	- - - - -
Vermillion	- - - - -
Vermicelli	- - - - -
Whetstones	- - - - -
Goods, Wares, and Merchandize, not otherwise charged with Duty, and not herein declared to be free of Duty, for every 100% of the Value	- - - - -
Coin, Bullion, and Diamonds	- - - - -
Horses, Mules, Asses, Neat Cattle, and all other Live Stock	- - - - -
Tallow and Raw Hides	- - - - -
Rice	- - - - -
Corn and Grain, unground	- - - - -
Biscuit or Bread	- - - - -
Meal or Flour, except Wheat Flour	- - - - -
Fresh Meat	- - - - -
Fresh Fish	- - - - -
Carriages of Travellers	- - - - -
Wheat Flour	- - - - -
Beef and Pork	- - - - -
Hams and Bacon	- - - - -
Wood and Lumber	- - - - -
Wood and Lumber, imported into New Brunswick, Nova Scotia, or Prince Edward's Island	- - - - -
Hay and Straw	- - - - -
Fruit and Vegetables, fresh	- - - - -
Salt	- - - - -
Cotton Wool	- - - - -
Goods, the Produce of Places within the Limits of the East India Company's Charter, imported from those Places, or from the United Kingdom, or from some Place in the British Dominions	- - - - -
Herrings taken and cured by the Inhabitants of the Isle of Man and imported from thence	- - - - -
Lumber, the Produce of and imported from any British Possession on the West Coast of Africa	- - - - -
Any Sort of Craft, Food and Victuals, except Spirits, and any Sort of Clothing, and Implements and Materials, fit and necessary for the British Fisheries in America, imported into the Place at or from whence such Fishery is carried on	- - - - -

Imported into any of the British Possessions in America— <i>cont.</i>					Duty.
					£ s. d.
Drugs	-	-	-	-	Duty-free.
Gums or Resins	-	-	-	-	
Dye Wood and Hard Wood	-	-	-	-	
Cabinet-makers Wood	-	-	-	-	
Tortoiseshell	-	-	-	-	
Hemp, Flax, and Tow	-	-	-	-	Duty-free.
Seeds—Wheat Flour—Fruits—					
Pickles—Woods of all Sorts—					
Oakum—Pitch—Tar—Turpen-					
tine—Ochres—Brimstone—Sul-					
phur—Vegetable Oils—Burr					Duty-free.
Stones—Dog Stones—Hops—					
Cork—Sago—Tapioca—Sponge					
—Sausages—Cheese—Cider—					
Wax—Spices—Tallow					
All Goods imported from the United Kingdom, after having there paid the Duties of Consumption, and being exported from thence without Drawback					Duty-free.

And if any of the Goods herein-before mentioned shall be imported through the United Kingdom (having been warehoused therein, and exported from the Warehouse, or the Duties thereon, if there paid, having been drawn back), One Tenth Part of the Duties herein imposed shall be remitted in respect of such Goods.

Abatement of
Duty in certain
Cases.

X. And be it further enacted, That nothing in this Act or in any other passed in the present Session of Parliament shall extend to repeal or abrogate, or in any way to alter or affect an Act passed in the Eighteenth Year of the Reign of His Majesty King George the Third, intituled *An Act for removing all Doubts and Apprehensions concerning Taxation by the Parliament of Great Britain in any of the Colonies, Provinces, and Plantations in North America and the West Indies, and for repealing so much of an Act made in the Seventh Year of the Reign of His present Majesty as imposes a Duty on Tea imported from Great Britain into any Colony or Plantation in America, as relates thereto*; nor to repeal or in any way alter or affect any Act now in force which was passed prior to the last-mentioned Act, and by which any Duties in any of the British Possessions in America were granted and still continue payable to the Crown; nor to repeal or in any way alter or affect an Act passed in the Thirty-first Year of the Reign of His Majesty King George the Third, intituled *An Act to repeal certain Parts of an Act passed in the Fourteenth Year of His Majesty's Reign, intituled 'An Act for making more effectual Provisions for the Government of the Province of Quebec in North America, and to make further Provisions for the Government of the said Province.'*

Not to repeal
Act of Decla-
ration, 18 G. 3.
c. 12;

nor to repeal
Duties granted
prior to that
Act;

nor to repeal
31 G. 3. c. 31.

XI. And be it further enacted, That the Duties imposed by any of the Acts herein-before mentioned or referred to, passed prior to the said Act of the Eighteenth Year of His Majesty's Reign, shall

Duties imposed
by Acts prior to
Act 18 G. 3.
c. 12. to be

applied to Pur-
poses of those
Acts.

be received, accounted for, and applied for the Purposes of those Acts: Provided always, that no greater Proportion of the Duties imposed by this Act, except as herein-before excepted, shall be charged upon any Article which is subject also to Duty under any of the said Acts, or subject also to Duty under any Colonial Law, than the Amount, if any, by which the Duty charged by this Act shall exceed such other Duty or Duties: Provided nevertheless, that the full Amount of the Duties mentioned in this Act, whether on account of such former Acts, or on account of such Colonial Law, or on account of this Act, shall be levied and recovered and received under the Regulations and by the Means and Powers of this Act.

Currency,
Weights and
Measures.

XII. And be it further enacted, That all Sums of Money granted or imposed by this Act, either as Duties, Penalties, or Forfeitures, in the *British Possessions in America*, shall be deemed and are hereby declared to be Sterling Money of *Great Britain*, and shall be collected, recovered, and paid to the Amount of the Value which such nominal Sums bear in *Great Britain*; and that such Monies may be received and taken according to the Proportion and Value of Five Shillings and Sixpence the Ounce in Silver; and that all Duties shall be paid and received in every Part of the *British Possessions in America* according to *British Weights and Measures* in use on the Sixth Day of *July* One thousand eight hundred and twenty-five; and that in all Cases where such Duties are imposed according to any specific Quantity or any specific Value, the same shall be deemed to apply in the same Proportion to any greater or less Quantity or Value; and that all such Duties shall be under the Management of the Commissioners of the Customs.

Duties paid by
Collector to
Treasurer of
Colony in which
levied.

XIII. And be it further enacted, That the Produce of the Duties so received by the Means and Powers of this Act, except such Duties as are payable to His Majesty under any Act passed prior to the Eighteenth Year of His Majesty King *George* the Third as aforesaid, shall be paid by the Collector of the Customs into the Hands of the Treasurer or Receiver General of the Colony, or other proper Officer authorized to receive the same in the Colony in which the same shall be levied, to be applied to such Uses as shall be directed by the local Legislatures of such Colonies respectively; and that the Produce of such Duties so received as aforesaid in the Colonies which have no local Legislature shall and may be applied in such Manner as shall be directed by the Commissioners of His Majesty's Treasury.

All British
Vessels shall
be subject to
equal Duties in
the Colonies,
except Coasting
Vessels.

XIV. ' And whereas in some of His Majesty's Possessions ' Abroad certain Duties of Tonnage are, by Acts of the local ' Legislatures of such Possessions, made payable in respect of or ' are levied upon *British Vessels*, to which Duties the like Vessels ' built within such Possessions, or owned by Persons resident there, ' are not subject; ' be it further enacted, That there shall be levied and paid at the several *British Possessions Abroad*, upon all Vessels built in any such Possessions, or owned by any Person or Persons there resident, other than Coasting or Droguing Vessels employed in coasting or droguing, all such and the like Duties of Tonnage and Shipping Dues as are or shall be payable in any such Possessions upon the like *British Vessels* built in other Parts of His Majesty's

Majesty's Dominions, or owned by Persons not resident in such Possessions.

XV. And be it further enacted, That there shall be allowed upon the Exportation from *Newfoundland* to *Canada* of Rum or other Spirits being the Produce of the *British Possessions* in *South America* or the *West Indies* a Drawback of the full Duties of Customs which shall have been paid upon the Importation thereof from any of the said Places into *Newfoundland*, provided Proof on Oath be made to the Satisfaction of the Collector and Controller of the Customs at the Port from whence such Rum or other Spirits shall be so exported, that the full Duties on the Importation of such Rum or other Spirits at the said Port had been paid, and that a Certificate be produced under the Hands and Seals of the Collector and Controller of the Customs at *Quebeck*, that such Rum or other Spirits had been duly landed in *Canada* : Provided always, that no Drawback shall be allowed upon any such Rum or other Spirits unless the same shall be shipped within One Year from the Day of the Importation of the same, nor unless such Drawback shall be duly claimed within One Year from the Day of such Shipment.

Drawback on Rum, &c. of British Possessions, exported from Newfoundland to Canada, &c.

Limitation as to Drawback.

Ship and Cargo to be reported on Arrival.

Particulars of Report.

Penalty for false Report.

Entry Outwards of Ship for Cargo.

Particulars of Entry.

Penalty 50*l*.

Content of the Cargo to be delivered before Departure.

XVI. And be it further enacted, That the Master of every Ship arriving in any of the *British Possessions* in *America*, or the Islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, whether laden or in ballast, shall come directly, and before Bulk be broken, to the Custom House for the Port or District where he arrives, and there make a Report in Writing to the Collector or Controller, or other proper Officer, of the Arrival and Voyage of such Ship, stating her Name, Country, and Tonnage, and if *British* the Port of Registry, the Name and Country of the Master, the Country of the Owners, the Number of the Crew, and how many are of the Country of such Ship, and whether she be laden or in ballast, and if laden the Marks, Numbers, and Contents of every Package and Parcel of Goods on board, and where the same was laden, and where and to whom consigned, and where any and what Goods, if any, had been unladen during the Voyage, as far as any of such Particulars can be known to him ; and the Master shall further answer all such Questions concerning the Ship and the Cargo and the Crew and the Voyage as shall be demanded of him by such Officer ; and if any Goods be unladen from any Ship before such Report be made, or if the Master fail to make such Report, or make an untrue Report, or do not truly answer the Questions demanded of him, he shall forfeit the Sum of One hundred Pounds ; and if any Goods be not reported, such Goods shall be forfeited.

XVII. And be it further enacted, That the Master of every Ship bound from any *British Possession* in *America*, or the Islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, shall, before any Goods be laden therein, deliver to the Collector or Controller, or other proper Officer, an Entry Outwards under his Hand of the Destination of such Ship, stating her Name, Country, and Tonnage, and if *British* the Port of Registry, the Name and Country of the Master, the Country of the Owners, the Number of the Crew, and how many are of the Country of such Ship ; and if any Goods be laden on board any Ship before such Entry be made, the Master of such Ship shall forfeit the Sum of Fifty Pounds ; and before such Ship depart the Master shall bring and deliver to the Collector or Controller,

Clearance of
Ship for the
Voyage.

troller, or other proper Officer, a Content in Writing under his Hand of the Goods laden, and the Names of the respective Shippers and Consignees of the Goods, with the Marks and Numbers of the Packages or Parcels of the same, and shall make and subscribe a Declaration to the Truth of such Content as far as any of such Particulars can be known to him; and the Master of every Ship bound from any *British* Possession in *America*, or from the Islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, whether in ballast or laden, shall before Departure come before the Collector or Controller or other proper Officer, and answer upon Oath all such Questions concerning the Ship, and the Cargo, if any, and the Crew and the Voyage, as shall be demanded of him by such Officer; and thereupon the Collector and Controller or other proper Officer, if such Ship be laden, shall make out and give to the Master a Certificate of the Clearance of such Ship for her intended Voyage, containing an Account of the total Quantities of the several Sorts of Goods laden therein, or a Certificate of her Clearance in ballast, as the Case may be; and if the Ship shall depart without such Clearance, or if the Master shall deliver a false Content, or shall not truly answer the Questions demanded of him, he shall forfeit the Sum of One hundred Pounds.

Penalty for not
clearing, 100*l*.

Goods not
stated in Cer-
tificate to be
Produce of
British Posses-
sions, to be
deemed of
Foreign Pro-
duction.

XVIII. And be it further enacted, That no Goods shall be stated in such Certificate of Clearance of any Ship from any *British* Possession in *America* to be the Produce of such Possessions unless such Goods shall have been expressly stated so to be in the Entry Outwards of the same; and that all Goods not expressly stated in such Certificate of Clearance to be the Produce of the *British* Possessions in *America* shall at the Place of Importation in any other such Possessions, or in the United Kingdom, be deemed to be of Foreign Production.

Newfoundland
Fishing Certifi-
cates in lieu of
Clearance
during the
Fishing Season.

XIX. Provided always, and be it further enacted, That whenever any Ship shall be cleared out from any Port in *Newfoundland*, or in any other Part of His Majesty's Dominions, for the Fisheries on the Banks or Coasts of *Newfoundland* or *Labrador*, or the Dependencies thereof, without having on board any Article of Traffic, (except only such Provisions, Nets, Tackle, and other Things as are usually employed in and about the said Fishery, and for the Conduct and carrying on of the same,) the Master of any such Ship shall be entitled to demand from the Collector or other principal Officer of the Customs at such Port a Certificate under his Hand that such Ship hath been specially cleared out for the *Newfoundland* Fishery; and such Certificate shall be in force for the Fishing Season for the Year in which the same may be granted, and no longer; and upon the first Arrival in any Port in the said Colony of *Newfoundland*, or its Dependencies, of any Ship having on board any such Certificate as aforesaid, a Report thereof shall be made by the Master of such Ship to the principal Officer of the Customs at such Port, and all Ships having such Certificate which has been so reported, and being actually engaged in the said Fishery, or in carrying Coastwise to be landed or put on board any other Ships engaged in the said Fishery any Fish, Oil, Salt, Provisions, or other Necessaries for the Use and Purposes thereof, shall be exempt from all Obligation to make an Entry at or obtain any Clearance from any Custom House at *Newfoundland* upon Arrival

at or Departure from any of the Ports or Harbours of the said Colony or its Dependencies during the Continuance of the Fishing Season for which such Certificate may have been granted; and previously to obtaining a Clearance at the End of such Season for any other Voyage at any of such Ports, the Master of such Ship shall deliver up the before-mentioned Certificate to the principal Officer of the Customs of such Port: Provided always, that in case any such Ship shall have on board, during the Time the same may be engaged in the said Fishery, any Goods or Merchandizes whatsoever other than Fish, Seals, Oil made of Fish or Seals, Salt, Provisions, and other Things, being the Produce of or usually employed in the said Fishery, such Ship shall forfeit the said Fishing Certificate, and shall thenceforth become and be subject and liable to all such and the same Rules, Restrictions, and Regulations as Ships in general are subject or liable to.

At the End of the Season the Certificate to be delivered up.

Ships trading, to forfeit their Certificate.

XX. And be it further enacted, That no Goods shall be laden, or water-borne to be laden on board any Ship, or unladen from any Ship, in any of the *British Possessions in America* or the Islands of *Guernsey, Jersey, Alderney, or Sark*, until due Entry shall have been made of such Goods, and Warrant granted for the lading or unlading of the same; and that no Goods shall be so laden or water-borne, or so unladen, except at some Place at which an Officer of the Customs is appointed to attend the lading and unlading of Goods, or at some Place for which a Suffrance shall be granted by the Collector and Controller for the lading and unlading of such Goods; and that no Goods shall be so laden or unladen except in the Presence or with the Permission in Writing of the proper Officer: Provided always, that it shall be lawful for the Commissioners of His Majesty's Customs to make and appoint such other Regulations for the carrying Coastwise of any Goods, or for the removing of any Goods for Shipment, as to them shall appear expedient; and that all Goods laden, water-borne, or unladen contrary to the Regulations of this Act, or contrary to any Regulations so made and appointed, shall be forfeited.

Entry of Goods to be laden or unladen.

Regulations Inwards and Outwards.

Regulations Coastwise.

Forfeiture.

XXI. And be it further enacted, That the Person entering any such Goods shall deliver to the Collector or Controller, or other proper Officer, a Bill of the Entry thereof, fairly written in Words at Length, containing the Name of the Exporter or Importer, and of the Ship, and of the Master, and of the Place to or from which bound, and of the Place within the Port where the Goods are to be laden or unladen, and the Particulars of the Quality and Quantity of the Goods, and the Packages containing the same, and the Marks and Numbers on the Packages, and setting forth whether such Goods be the Produce of the *British Possessions in America* or not; and such Person shall at the same Time pay down all Duties due upon the Goods; and the Collector and Controller, or other proper Officer, shall thereupon grant their Warrant for the lading or unlading of such Goods.

Particulars of Entry of Goods Inwards and Outwards.

XXII. And be it further enacted, That if the Importer of any Goods shall make and subscribe a Declaration before the Collector or Controller, or other proper Officer, that he cannot, for Want of full Information, make perfect Entry thereof, it shall be lawful for the Collector and Controller to receive an Entry by Bill of Sight for the Packages or Parcels of such Goods by the best Description

Entry Inwards by Bill of Sight.

Clearance of
Ship for the
Voyage.

troller, or other proper Officer, a Content in Writing under his Hand of the Goods laden, and the Names of the respective Shippers and Consignees of the Goods, with the Marks and Numbers of the Packages or Parcels of the same, and shall make and subscribe a Declaration to the Truth of such Content as far as any of such Particulars can be known to him; and the Master of every Ship bound from any *British Possession in America*, or from the Islands of *Guernsey, Jersey, Alderney*, or *Sark*, whether in ballast or laden, shall before Departure come before the Collector or Controller or other proper Officer, and answer upon Oath all such Questions concerning the Ship, and the Cargo, if any, and the Crew and the Voyage, as shall be demanded of him by such Officer; and thereupon the Collector and Controller or other proper Officer, if such Ship be laden, shall make out and give to the Master a Certificate of the Clearance of such Ship for her intended Voyage, containing an Account of the total Quantities of the several Sorts of Goods laden therein, or a Certificate of her Clearance in ballast, as the Case may be; and if the Ship shall depart without such Clearance, or if the Master shall deliver a false Content, or shall not truly answer the Questions demanded of him, he shall forfeit the Sum of One hundred Pounds.

Penalty for not
clearing, 100*l*.

Goods not
stated in Cer-
tificate to be
Produce of
*British Posses-
sions*, to be
deemed of
Foreign Pro-
duction.

XVIII. And be it further enacted, That no Goods shall be stated in such Certificate of Clearance of any Ship from any *British Possession in America* to be the Produce of such Possessions unless such Goods shall have been expressly stated so to be in the Entry Outwards of the same; and that all Goods not expressly stated in such Certificate of Clearance to be the Produce of the *British Possessions in America* shall at the Place of Importation in any other such Possessions, or in the United Kingdom, be deemed to be of Foreign Production.

Newfoundland
Fishing Certi-
ficates in lieu of
Clearance
during the
Fishing Season.

XIX. Provided always, and be it further enacted, That whenever any Ship shall be cleared out from any Port in *Newfoundland*, or in any other Part of His Majesty's Dominions, for the Fisheries on the Banks or Coasts of *Newfoundland* or *Labrador*, or the Dependencies thereof, without having on board any Article of Traffic, (except only such Provisions, Nets, Tackle, and other Things as are usually employed in and about the said Fishery, and for the Conduct and carrying on of the same,) the Master of any such Ship shall be entitled to demand from the Collector or other principal Officer of the Customs at such Port a Certificate under his Hand that such Ship hath been specially cleared out for the *Newfoundland* Fishery; and such Certificate shall be in force for the Fishing Season for the Year in which the same may be granted, and no longer; and upon the first Arrival in any Port in the said Colony of *Newfoundland*, or its Dependencies, of any Ship having on board any such Certificate as aforesaid, a Report thereof shall be made by the Master of such Ship to the principal Officer of the Customs at such Port, and all Ships having such Certificate which has been so reported, and being actually engaged in the said Fishery, or in carrying Coastwise to be landed or put on board any other Ships engaged in the said Fishery any Fish, Oil, Salt, Provisions, or other Necessaries for the Use and Purposes thereof, shall be exempt from all Obligation to make an Entry at or obtain any Clearance from any Custom House at *Newfoundland* upon Arrival

at or Departure from any of the Ports or Harbours of the said Colony or its Dependencies during the Continuance of the Fishing Season for which such Certificate may have been granted; and previously to obtaining a Clearance at the End of such Season for any other Voyage at any of such Ports, the Master of such Ship shall deliver up the before-mentioned Certificate to the principal Officer of the Customs of such Port: Provided always, that in case any such Ship shall have on board, during the Time the same may be engaged in the said Fishery, any Goods or Merchandizes whatsoever other than Fish, Seals, Oil made of Fish or Seals, Salt, Provisions, and other Things, being the Produce of or usually employed in the said Fishery, such Ship shall forfeit the said Fishing Certificate, and shall thenceforth become and be subject and liable to all such and the same Rules, Restrictions, and Regulations as Ships in general are subject or liable to.

At the End of the Season the Certificate to be delivered up.

Ships trading, to forfeit their Certificate.

XX. And be it further enacted, That no Goods shall be laden, or water-borne to be laden on board any Ship, or unladen from any Ship, in any of the *British Possessions in America* or the Islands of *Guernsey, Jersey, Alderney, or Sark*, until due Entry shall have been made of such Goods, and Warrant granted for the lading or unlading of the same; and that no Goods shall be so laden or water-borne, or so unladen, except at some Place at which an Officer of the Customs is appointed to attend the lading and unlading of Goods, or at some Place for which a Suffrance shall be granted by the Collector and Controller for the lading and unlading of such Goods; and that no Goods shall be so laden or unladen except in the Presence or with the Permission in Writing of the proper Officer: Provided always, that it shall be lawful for the Commissioners of His Majesty's Customs to make and appoint such other Regulations for the carrying Coastwise of any Goods, or for the removing of any Goods for Shipment, as to them shall appear expedient; and that all Goods laden, water-borne, or unladen contrary to the Regulations of this Act, or contrary to any Regulations so made and appointed, shall be forfeited.

Entry of Goods to be laden or unladen.

Regulations Inwards and Outwards.

Regulations Coastwise.

Forfeiture.

XXI. And be it further enacted, That the Person entering any such Goods shall deliver to the Collector or Controller, or other proper Officer, a Bill of the Entry thereof, fairly written in Words at Length, containing the Name of the Exporter or Importer, and of the Ship, and of the Master, and of the Place to or from which bound, and of the Place within the Port where the Goods are to be laden or unladen, and the Particulars of the Quality and Quantity of the Goods, and the Packages containing the same, and the Marks and Numbers on the Packages, and setting forth whether such Goods be the Produce of the *British Possessions in America* or not; and such Person shall at the same Time pay down all Duties due upon the Goods; and the Collector and Controller, or other proper Officer, shall thereupon grant their Warrant for the lading or unlading of such Goods.

Particulars of Entry of Goods Inwards and Outwards.

XXII. And be it further enacted, That if the Importer of any Goods shall make and subscribe a Declaration before the Collector or Controller, or other proper Officer, that he cannot, for Want of full Information, make perfect Entry thereof, it shall be lawful for the Collector and Controller to receive an Entry by Bill of Sight for the Packages or Parcels of such Goods by the best Description

Entry Inwards by Bill of Sight.

applied to Pur-
poses of those
Acts.

be received, accounted for, and applied for the Purposes of those Acts: Provided always, that no greater Proportion of the Duties imposed by this Act, except as herein-before excepted, shall be charged upon any Article which is subject also to Duty under any of the said Acts, or subject also to Duty under any Colonial Law, than the Amount, if any, by which the Duty charged by this Act shall exceed such other Duty or Duties: Provided nevertheless, that the full Amount of the Duties mentioned in this Act, whether on account of such former Acts, or on account of such Colonial Law, or on account of this Act, shall be levied and recovered and received under the Regulations and by the Means and Powers of this Act.

Currency,
Weights and
Measures.

XII. And be it further enacted, That all Sums of Money granted or imposed by this Act, either as Duties, Penalties, or Forfeitures, in the *British Possessions in America*, shall be deemed and are hereby declared to be Sterling Money of *Great Britain*, and shall be collected, recovered, and paid to the Amount of the Value which such nominal Sums bear in *Great Britain*; and that such Monies may be received and taken according to the Proportion and Value of Five Shillings and Sixpence the Ounce in Silver; and that all Duties shall be paid and received in every Part of the *British Possessions in America* according to *British Weights and Measures* in use on the Sixth Day of *July* One thousand eight hundred and twenty-five; and that in all Cases where such Duties are imposed according to any specific Quantity or any specific Value, the same shall be deemed to apply in the same Proportion to any greater or less Quantity or Value; and that all such Duties shall be under the Management of the Commissioners of the Customs.

Duties paid by
Collector to
Treasurer of
Colony in which
levied.

XIII. And be it further enacted, That the Produce of the Duties so received by the Means and Powers of this Act, except such Duties as are payable to His Majesty under any Act passed prior to the Eighteenth Year of His Majesty King *George* the Third as aforesaid, shall be paid by the Collector of the Customs into the Hands of the Treasurer or Receiver General of the Colony, or other proper Officer authorized to receive the same in the Colony in which the same shall be levied, to be applied to such Uses as shall be directed by the local Legislatures of such Colonies respectively; and that the Produce of such Duties so received as aforesaid in the Colonies which have no local Legislature shall and may be applied in such Manner as shall be directed by the Commissioners of His Majesty's Treasury.

All British
Vessels shall
be subject to
equal Duties in
the Colonies,
except Coasting
Vessels.

XIV. ' And whereas in some of His Majesty's Possessions ' Abroad certain Duties of Tonnage are, by Acts of the local ' Legislatures of such Possessions, made payable in respect of or ' are levied upon *British Vessels*, to which Duties the like Vessels ' built within such Possessions, or owned by Persons resident there, ' are not subject;' be it further enacted, That there shall be levied and paid at the several *British Possessions Abroad*, upon all Vessels built in any such Possessions, or owned by any Person or Persons there resident, other than Coasting or Drogueing Vessels employed in coasting or drogueing, all such and the like Duties of Tonnage and Shipping Dues as are or shall be payable in any such Possessions upon the like *British Vessels* built in other Parts of His Majesty's

Majesty's Dominions, or owned by Persons not resident in such Possessions.

XV. And be it further enacted, That there shall be allowed upon the Exportation from *Newfoundland* to *Canada* of Rum or other Spirits being the Produce of the *British Possessions* in *South America* or the *West Indies* a Drawback of the full Duties of Customs which shall have been paid upon the Importation thereof from any of the said Places into *Newfoundland*, provided Proof on Oath be made to the Satisfaction of the Collector and Controller of the Customs at the Port from whence such Rum or other Spirits shall be so exported, that the full Duties on the Importation of such Rum or other Spirits at the said Port had been paid, and that a Certificate be produced under the Hands and Seals of the Collector and Controller of the Customs at *Quebeck*, that such Rum or other Spirits had been duly landed in *Canada* : Provided always, that no Drawback shall be allowed upon any such Rum or other Spirits unless the same shall be shipped within One Year from the Day of the Importation of the same, nor unless such Drawback shall be duly claimed within One Year from the Day of such Shipment.

Drawback on Rum, &c. of British Possessions, exported from Newfoundland to Canada, &c.

Limitation as to Drawback.

Ship and Cargo to be reported on Arrival.

Particulars of Report.

Penalty for false Report.

Entry Outwards of Ship for Cargo.

Particulars of Entry.

Penalty 50*l*.

Content of the Cargo to be delivered before Departure.

XVI. And be it further enacted, That the Master of every Ship arriving in any of the *British Possessions* in *America*, or the Islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, whether laden or in ballast, shall come directly, and before Bulk be broken, to the Custom House for the Port or District where he arrives, and there make a Report in Writing to the Collector or Controller, or other proper Officer, of the Arrival and Voyage of such Ship, stating her Name, Country, and Tonnage, and if *British* the Port of Registry, the Name and Country of the Master, the Country of the Owners, the Number of the Crew, and how many are of the Country of such Ship, and whether she be laden or in ballast, and if laden the Marks, Numbers, and Contents of every Package and Parcel of Goods on board, and where the same was laden, and where and to whom consigned, and where any and what Goods, if any, had been unladen during the Voyage, as far as any of such Particulars can be known to him ; and the Master shall further answer all such Questions concerning the Ship and the Cargo and the Crew and the Voyage as shall be demanded of him by such Officer ; and if any Goods be unladen from any Ship before such Report be made, or if the Master fail to make such Report, or make an untrue Report, or do not truly answer the Questions demanded of him, he shall forfeit the Sum of One hundred Pounds ; and if any Goods be not reported, such Goods shall be forfeited.

XVII. And be it further enacted, That the Master of every Ship bound from any *British Possession* in *America*, or the Islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, shall, before any Goods be laden therein, deliver to the Collector or Controller, or other proper Officer, an Entry Outwards under his Hand of the Destination of such Ship, stating her Name, Country, and Tonnage, and if *British* the Port of Registry, the Name and Country of the Master, the Country of the Owners, the Number of the Crew, and how many are of the Country of such Ship ; and if any Goods be laden on board any Ship before such Entry be made, the Master of such Ship shall forfeit the Sum of Fifty Pounds ; and before such Ship depart the Master shall bring and deliver to the Collector or Con-

troller,

Clearance of
Ship for the
Voyage.

Penalty for not
clearing, 100*l*.

Goods not
stated in Cer-
tificate to be
Produce of
British Posses-
sions, to be
deemed of
Foreign Pro-
duction.

Newfoundland
Fishing Certifi-
cates in lieu of
Clearance
during the
Fishing Season.

troller, or other proper Officer, a Content in Writing under his Hand of the Goods laden, and the Names of the respective Shippers and Consignees of the Goods, with the Marks and Numbers of the Packages or Parcels of the same, and shall make and subscribe a Declaration to the Truth of such Content as far as any of such Particulars can be known to him; and the Master of every Ship bound from any *British Possession in America*, or from the Islands of *Guernsey, Jersey, Alderney*, or *Sark*, whether in ballast or laden, shall before Departure come before the Collector or Controller or other proper Officer, and answer upon Oath all such Questions concerning the Ship, and the Cargo, if any, and the Crew and the Voyage, as shall be demanded of him by such Officer; and thereupon the Collector and Controller or other proper Officer, if such Ship be laden, shall make out and give to the Master a Certificate of the Clearance of such Ship for her intended Voyage, containing an Account of the total Quantities of the several Sorts of Goods laden therein, or a Certificate of her Clearance in ballast, as the Case may be; and if the Ship shall depart without such Clearance, or if the Master shall deliver a false Content, or shall not truly answer the Questions demanded of him, he shall forfeit the Sum of One hundred Pounds.

XVIII. And be it further enacted, That no Goods shall be stated in such Certificate of Clearance of any Ship from any *British Possession in America* to be the Produce of such Possessions unless such Goods shall have been expressly stated so to be in the Entry Outwards of the same; and that all Goods not expressly stated in such Certificate of Clearance to be the Produce of the *British Possessions in America* shall at the Place of Importation in any other such Possessions, or in the United Kingdom, be deemed to be of Foreign Production.

XIX. Provided always, and be it further enacted, That whenever any Ship shall be cleared out from any Port in *Newfoundland*, or in any other Part of His Majesty's Dominions, for the Fisheries on the Banks or Coasts of *Newfoundland* or *Labrador*, or the Dependencies thereof, without having on board any Article of Traffic, (except only such Provisions, Nets, Tackle, and other Things as are usually employed in and about the said Fishery, and for the Conduct and carrying on of the same,) the Master of any such Ship shall be entitled to demand from the Collector or other principal Officer of the Customs at such Port a Certificate under his Hand that such Ship hath been specially cleared out for the *Newfoundland* Fishery; and such Certificate shall be in force for the Fishing Season for the Year in which the same may be granted, and no longer; and upon the first Arrival in any Port in the said Colony of *Newfoundland*, or its Dependencies, of any Ship having on board any such Certificate as aforesaid, a Report thereof shall be made by the Master of such Ship to the principal Officer of the Customs at such Port, and all Ships having such Certificate which has been so reported, and being actually engaged in the said Fishery, or in carrying Coastwise to be landed or put on board any other Ships engaged in the said Fishery any Fish, Oil, Salt, Provisions, or other Necessaries for the Use and Purposes thereof, shall be exempt from all Obligation to make an Entry at or obtain any Clearance from any Custom House at *Newfoundland* upon Arrival

at or Departure from any of the Ports or Harbours of the said Colony or its Dependencies during the Continuance of the Fishing Season for which such Certificate may have been granted; and previously to obtaining a Clearance at the End of such Season for any other Voyage at any of such Ports, the Master of such Ship shall deliver up the before-mentioned Certificate to the principal Officer of the Customs of such Port: Provided always, that in case any such Ship shall have on board, during the Time the same may be engaged in the said Fishery, any Goods or Merchandizes whatsoever other than Fish, Seals, Oil made of Fish or Seals, Salt, Provisions, and other Things, being the Produce of or usually employed in the said Fishery, such Ship shall forfeit the said Fishing Certificate, and shall thenceforth become and be subject and liable to all such and the same Rules, Restrictions, and Regulations as Ships in general are subject or liable to.

At the End of the Season the Certificate to be delivered up.

Ships trading, to forfeit their Certificate.

XX. And be it further enacted, That no Goods shall be laden, or water-borne to be laden on board any Ship, or unladen from any Ship, in any of the *British Possessions in America* or the Islands of *Guernsey, Jersey, Alderney, or Sark*, until due Entry shall have been made of such Goods, and Warrant granted for the lading or unlading of the same; and that no Goods shall be so laden or water-borne, or so unladen, except at some Place at which an Officer of the Customs is appointed to attend the lading and unlading of Goods, or at some Place for which a Suffrance shall be granted by the Collector and Controller for the lading and unlading of such Goods; and that no Goods shall be so laden or unladen except in the Presence or with the Permission in Writing of the proper Officer: Provided always, that it shall be lawful for the Commissioners of His Majesty's Customs to make and appoint such other Regulations for the carrying Coastwise of any Goods, or for the removing of any Goods for Shipment, as to them shall appear expedient; and that all Goods laden, water-borne, or unladen contrary to the Regulations of this Act, or contrary to any Regulations so made and appointed, shall be forfeited.

Entry of Goods to be laden or unladen.

Regulations Inwards and Outwards.

Regulations Coastwise.

Forfeiture.

XXI. And be it further enacted, That the Person entering any such Goods shall deliver to the Collector or Controller, or other proper Officer, a Bill of the Entry thereof, fairly written in Words at Length, containing the Name of the Exporter or Importer, and of the Ship, and of the Master, and of the Place to or from which bound, and of the Place within the Port where the Goods are to be laden or unladen, and the Particulars of the Quality and Quantity of the Goods, and the Packages containing the same, and the Marks and Numbers on the Packages, and setting forth whether such Goods be the Produce of the *British Possessions in America* or not; and such Person shall at the same Time pay down all Duties due upon the Goods; and the Collector and Controller, or other proper Officer, shall thereupon grant their Warrant for the lading or unlading of such Goods.

Particulars of Entry of Goods Inwards and Outwards.

XXII. And be it further enacted, That if the Importer of any Goods shall make and subscribe a Declaration before the Collector or Controller, or other proper Officer, that he cannot, for Want of full Information, make perfect Entry thereof, it shall be lawful for the Collector and Controller to receive an Entry by Bill of Sight for the Packages or Parcels of such Goods by the best Description

Entry Inwards by Bill of Sight.

Within Three Days after landing of Goods, perfect Entry to be made and Duties paid.

Goods subject to ad valorem Duty.

Value to be declared on Entry.

Description which can be given, and to grant a Warrant thereupon, in order that the same may be landed and secured to the Satisfaction of the Officer of the Customs, and at the Expence of the Importer, and may be seen and examined by such Importer in the Presence of the proper Officers; and within Three Days after the Goods shall have been so landed the Importer shall make a perfect Entry thereof, and pay down all Duties due thereon; and in default of such Entry such Goods shall be taken to the King's Warehouse, and if the Importer shall not, within One Month after such landing, make perfect Entry of such Goods, and pay the Duties due thereon, together with Charges of Removal and Warehouse Rent, such Goods shall be sold for the Payment thereof, and the Overplus, if any, shall be paid to the Proprietor of the Goods.

XXIII. And be it further enacted, That in all Cases where the Duties imposed by this Act upon the Importation of Articles into His Majesty's Possessions in *America* are charged, not according to the Weight, Tale, Gauge, or Measure, but according to the Value thereof, such Value shall be ascertained by the Declaration of the Importer of such Articles, or his known Agent, in Manner and Form following; (that is to say,)

‘ I *A. B.* do hereby declare, That the Articles mentioned in the Entry, and contained in the Packages [*here specifying the several Packages, and describing the several Marks and Numbers, as the Case may be,*] are of the Value of

‘ Witness my Hand the Day of . *A. B.*
 ‘ The above Declaration, signed the Day of
 ‘ in the Presence of *C. D.* Collector [*or other principal Officer*].’

Mode of Proceeding if Goods be undervalued.

Proof of Invoice Price.

If necessary, Two Persons may be nominated to fix the Price.

Which Declaration shall be written on the Bill of Entry of such Articles, and shall be subscribed with the Hand of the Importer thereof, or his known Agent, in the Presence of the Collector or other principal Officer of the Customs at the Port of Importation; provided that if upon View and Examination of such Articles by the proper Officer of the Customs it shall appear to him that the said Articles are not valued according to the true Price or Value thereof, and according to the true Intent and Meaning of this Act, then and in such Case the Importer or his known Agent shall be required to declare on Oath before the Collector or Controller what is the Invoice Price of such Articles, and that he verily believes such Invoice Price is the current Value of the Articles at the Place from whence the said Articles were imported; and such Invoice Price, with the Addition of Ten Pounds *per Centum* thereon, shall be deemed to be the Value of the Articles, in lieu of the Value so declared by the Importer or his known Agent, and upon which the Duties imposed by this Act shall be charged and paid: Provided also, that if it shall appear to the Collector and Controller, or other proper Officer, that such Articles have been invoiced below the real and true Value thereof, at the Place from whence the same were imported, or if the Invoice Price is not known, the Articles shall in such Case be examined by Two competent Persons, to be nominated and appointed by the Governor or Commander-in-Chief of the Colony, Plantation, or Island into which the said Articles are imported, and such Persons shall declare on Oath before the Collector or Controller, or other proper Officer, what is the true and real

real Value of such Articles in such Colony, Plantation, or Island; and the Value so declared on the Oaths of such Persons shall be deemed to be the true and real Value of such Articles, and upon which the Duties imposed by this Act shall be charged and paid.

XXIV. And be it further enacted, That if the Importer of such Articles shall refuse to pay the Duties hereby imposed thereon, it shall and may be lawful for the Collector or other chief Officer of the Customs where such Articles shall be imported, and he is hereby respectively required, to take and secure the same, with the Casks or other Package thereof, and to cause the same to be publicly sold within the Space of Twenty Days at the most after such Refusal made, and at such Time and Place as such Officer shall, by Four or more Days public Notice, appoint for that Purpose; which Articles shall be sold to the best Bidder; and the Money arising from the Sale thereof shall be applied in the first place in Payment of the said Duties, together with the Charges that shall have been occasioned by the said Sale, and the Overplus, if any, shall be paid to such Importer or Proprietor, or any other Person authorized to receive the same.

If Importer refuse to pay such Duty, the Goods may be sold.

XXV. And be it further enacted, That every Importer of any Goods shall, within Twenty Days after the Arrival of the importing Ship, make due Entry Inwards of such Goods, and land the same; and in default of such Entry and Landing it shall be lawful for the Officers of the Customs to convey such Goods to the King's Warehouse; and if the Duties due upon such Goods be not paid within Three Months after such Twenty Days shall have expired, together with all Charges of Removal and Warehouse Rent, the same shall be sold, and the Produce thereof shall be applied first to the Payment of Freight and Charges, next of Duties, and the Overplus, if any, shall be paid to the Proprietor of the Goods.

If Goods be not entered in 20 Days, Officer may land and secure them.

If Duties not paid within Three Months, Goods to be sold.

XXVI. And be it further enacted, That no Goods shall be imported into any *British* Possession as being imported from the United Kingdom, or from any other *British* Possession (if any Advantage attach to such Distinction), unless such Goods appear upon the Cockets or other proper Documents for the same to have been duly cleared Outwards at the Port of Exportation in the United Kingdom, or in such other *British* Possession, nor unless the Ground upon which such Advantage be claimed be stated in such Cocket or Document.

Goods imported from United Kingdom or *British* Possessions must appear in Cocket, &c.

XXVII. And be it further enacted, That no Goods shall, upon Importation into any of the *British* Possessions in *America*, be deemed to be of the Growth, Production, or Manufacture of the United Kingdom, or of any *British* Possession in *America*, unless imported from the United Kingdom, or from some *British* Possession in *America*.

What Goods to be deemed the Growth of U.K.

XXVIII. And be it further enacted, That no Entry nor any Warrant for the landing of any Goods, or for the taking of any Goods out of any Warehouse, shall be deemed valid unless the Particulars of the Goods and Packages in such Entry shall correspond with the Particulars of the Goods and Packages purporting to be the same in the Report of the Ship, or in the Certificate or other Document, where any is required, by which the Importation or Entry of such Goods is authorized, nor unless the Goods shall have been properly described in such Entry by the Denominations and

Entry not to be valid if Goods be not properly described in it.

and with the Characters and Circumstances according to which such Goods are charged with Duty or may be imported; and any Goods taken or delivered out of any Ship or out of any Warehouse by virtue of any Entry or Warrant not corresponding or agreeing in all such Respects, or not properly describing the same, shall be deemed to be Goods landed or taken without due Entry thereof, and shall be forfeited.

Certificate of
Production for
Sugar, Coffee,
Cocoa, or
Spirits.

Oath of the
Grower.

Declaration of
Exporter.

Declaration of
the Master.

XXIX. And be it further enacted, That before any Sugar, Coffee, Cocoa, or Spirits shall be shipped for Exportation in any *British Possession in America* or in the Island of *Mauritius*, as being the Produce of such Possession or of such Island, the Proprietor of the Estate on which such Goods were produced, or his known Agent, shall make and sign an Affidavit in Writing before the Collector or Controller at the Port of Exportation, or before One of His Majesty's Justices of the Peace, or other Officer duly authorized to administer such Oath, residing in or near the Place where such Estate is situated, declaring that such Goods are the Produce of such Estate; and such Affidavit shall set forth the Name of the Estate, and the Description and Quantity of the Goods, and the Packages containing the same, with the Marks and Numbers thereon, and the Name of the Person to whose Charge at the Place of Shipment they are to be sent; and if any Justice of the Peace or other Officer aforesaid shall subscribe his Name to any Writing purporting to be such Affidavit, unless the Person purporting to make such Affidavit shall actually appear before him and be sworn to the Truth of the same, such Justice of the Peace or Officer aforesaid shall forfeit and pay for any such Offence the Sum of Fifty Pounds; and the Person entering and shipping such Goods shall deliver such Affidavit to the Collector or Controller or other proper Officer, and shall make and subscribe a Declaration before him that the Goods which are to be shipped by virtue of such Entry are the same as are mentioned in such Affidavit; and the Master of the Ship in which such Goods shall be laden shall, before Clearance, make and subscribe a Declaration before the Collector or Controller that the Goods shipped by virtue of such Entry are the same as are mentioned and intended in such Affidavit, to the best of his Knowledge and Belief; and thereupon the Collector and Controller, or other proper Officer, shall sign and give to the Master a Certificate of Production, stating that Proof has been made, in manner required by Law, that such Goods (describing the same) are the Produce of such *British Possession* or of such Island, and setting forth in such Certificate the Name of the Exporter and of the exporting Ship, and of the Master thereof, and the Destination of the Goods; and if any Sugar, Coffee, Cocoa, or Spirits be imported into any *British Possession in America*, as being the Produce of some other such Possession or of such Island, without such Certificate of Production, the same shall be forfeited.

Certificate of
Production on
Re-exportation
from another
Colony.

XXX. And be it further enacted, That before any Sugar, Coffee, Cocoa, or Spirits shall be shipped for Exportation in any *British Possession in America*, as being the Produce of some other such Possession, the Person exporting the same shall in the Entry Outwards state the Place of the Production, and refer to the Entry Inwards and landing of such Goods, and shall make and subscribe a Declaration before the Collector or Controller to the Identity of the

the same; and thereupon, if such Goods shall have been duly imported with a Certificate of Production within Twelve Months prior to the shipping for Exportation, the Collector and Contrôller shall sign and give to the Master a Certificate of Production founded upon and referring to the Certificate of Production under which such Goods had been so imported, and containing the like Particulars, together with the Date of such Importation.

XXXI. ' And whereas it is expedient to make Regulation respecting the Inland Trade of the *British Possessions in America*; be it therefore enacted, That it shall be lawful to bring or import by Land or by Inland Navigation into any of the *British Possessions in America* from any adjoining Foreign Country any Goods which might be lawfully imported by Sea into such Possession from such Country, and so to bring or import such Goods in the Vessels, Boats, or Carriages of such Country, as well as in *British Vessels, Boats, or Carriages*.

Goods brought over Land, or by Inland Navigation.

XXXII. And be it further enacted, That no Vessel or Boat shall be admitted to be a *British Vessel or Boat* on any of the Inland Waters or Lakes in *America* except such as shall have been built at some Place within the *British Dominions*, and shall be wholly owned by *British Subjects*, and shall not have been repaired at any Foreign Place to a greater Extent than in the Proportion of Ten Shillings, for every Ton of such Vessel or Boat at any One Time: Provided always, that nothing herein-before contained shall extend to prevent the Employment of any Vessel or Boat as a *British Vessel or Boat* on such Inland Waters or Lakes which shall have wholly belonged to *British Subjects* before the Fifth Day of *July* One thousand eight hundred and twenty-five, and which shall not have been since that Day repaired as aforesaid in any Foreign Place.

What Vessels shall be deemed *British* on the Lakes in *America*.

XXXIII. Provided always, and be it further enacted, That it shall not be lawful so to bring or import any Goods except into some Port or Place of Entry at which a Custom House now is or hereafter may be lawfully established: Provided also, that it shall be lawful for the Governor, Lieutenant Governor, or Person administering the Government of any of the said Possessions respectively, by and with the Advice and Consent of the Executive Council thereof for the Time being, if any Executive Council be there established, from Time to Time to diminish or increase, by Proclamation, the Number of Ports or Places of Entry which are or hereafter may be appointed in such Province for the Entry of Goods brought or imported as aforesaid.

Goods must be brought to a Place where there is a Custom House. Governor may appoint Custom Houses.

XXXIV. And be it further enacted, That the Duties imposed by this Act shall be ascertained, levied, and recovered for and upon all Goods so brought or imported in the same Manner, and by the same Means, and under the same Rules, Regulations, Restrictions, Penalties, and Forfeitures, as the Duties on the like Goods imported by Sea may and can be ascertained, levied, or recovered, as far as the same are applicable; and if any Goods shall be brought or imported contrary hereto, or if any Goods so brought or imported shall be removed from the Station or Place appointed for the Examination of such Goods by the Officers of the Customs before all Duties payable thereon shall have been paid or satisfied, such Goods shall be forfeited, together with the Vessel, Boat, or Carriage, and the Horses or other Cattle, in or by which such

Duties to be collected in same Manner as on Goods imported by Sea.

such Goods shall have been so imported or brought, or so removed.

Duties in
Canada on
American
Boats, as in
America on
British Boats.

XXXV. And be it further enacted, That the same Tonnage Duties shall be paid upon all Vessels or Boats of the United States of *America* importing any Goods into either of the Provinces of *Upper* or *Lower Canada* as are or may be for the Time being payable in the United States of *America* on *British* Vessels or Boats entering the Harbours of the State from whence such Goods shall have been imported.

Ports herein
mentioned to
be free ware-
housing Ports.

XXXVI. ' And whereas it is expedient to constitute and appoint ' some of the free Ports and other Ports in *America* to be free ware- ' housing Ports or to be warehousing Ports for all or any of the ' Goods which may be legally imported into the said Ports re- ' spectively; and it is also expedient to empower His Majesty to ' constitute and appoint from Time to Time any other Ports in any ' of the said *British Possessions* in *America* to be in like Manner ' warehousing Ports for such Goods as may be legally imported into ' such Ports respectively; and it is therefore necessary to make ' Regulations for the appointing of proper Warehouses at such ' Ports, and for the lodging and securing of Goods therein;' be it therefore enacted, That the several Ports herein-after mentioned, (that is to say,)

Bridgetown in *Barbadoes*,
Quebec in *Canada*,
Sydney in *Cape Breton*,
Roseau in *Dominica*,
St. George in *Grenada*,
Kingston and *Montego Bay* in *Jamaica*,
Charlestown in *Nevis*,
Saint John's and *Saint Andrew's* in *New Brunswick*,
Saint John's in *Newfoundland*,
Nassau in *New Providence*,
Halifax and *Pictou* in *Nova Scotia*,
Basseterre in *Saint Kitt's*,
Kingston in *Saint Vincent*,
Road Harbour in *Tortola*,
San Joseph in *Trinidad*,

shall be FREE WAREHOUSING PORTS for all the Purposes of this Act; and that *Kingston* and *Montreal* in the *Canadas*, and

Liverpool and *Yarmouth* in *Nova Scotia*,

shall be WAREHOUSING PORTS for the warehousing of Goods brought by Land or by Inland Navigation, or imported in *British Ships*; and that it shall be lawful for the several Collectors and Contróllers of the said Ports respectively, by Notice in Writing under their Hands, to appoint from Time to Time such Warehouses at such Ports respectively as shall be approved of by them for the free warehousing and securing of Goods therein for the Purposes of this Act, and also in such Notice to declare what Sorts of Goods may be so warehoused, and also by like Notice to revoke or alter any such Appointment or Declaration: Provided always, that every such Notice shall be transmitted to the Governor of the Place, and shall be published in such Manner as he shall direct.

Goods may be
warehoused
without Pay-
ment of Duty.

XXXVII. And be it further enacted, That it shall be lawful for the Importer of any such Goods into the said Ports to warehouse

the same in the Warehouses so appointed, without Payment of any Duty on the first Entry thereof, subject nevertheless to the Rules, Regulations, Restrictions, and Conditions herein-after contained.

XXXVIII. And be it further enacted, That upon the Arrival of any Goods at any frontier Port in the *Canadas*, such Goods may be entered, with the proper Officer of the Customs at such Port, to be warehoused at some warehousing Port in the *Canadas*, and may be delivered by such Officer to be passed on to such warehousing Port, under Bond, to the Satisfaction of such Officer, for the due Arrival and warehousing of such Goods at such Port.

Regulation as to warehousing of Goods on Arrival in Canada.

XXXIX. And be it further enacted, That all Goods so warehoused shall be stowed in such Parts or Divisions of the Warehouse and in such Manner as the Collector and Controller shall direct; and that the Warehouse shall be locked and secured in such Manner, and shall be opened and visited only at such Times, and in the Presence of such Officers, and under such Rules and Regulations, as the Collector and Controller shall direct; and that all such Goods shall, after being landed upon Importation, be carried to the Warehouse, or shall, after being taken out of the Warehouse for Exportation, be carried to be shipped, under such Rules and Regulations as the Collector and Controller shall direct.

Stowage of Goods in Warehouse.

Locking and opening Warehouse.

Carrying Goods to and from Warehouse.

XL. And be it further enacted, That upon the Entry of any Goods to be warehoused the Importer of such Goods, instead of paying down the Duties due thereon, shall give Bond with Two sufficient Sureties, to be approved of by the Collector or Controller, in Treble the Duties payable on such Goods, with Condition for the safe depositing of such Goods in the Warehouse mentioned in such Entry, and for the Payment of all Duties due upon such Goods, or for the Exportation thereof, according to the first Account taken of such Goods upon the landing of the same; and with further Condition, that no Part thereof shall be taken out of such Warehouse until cleared from thence upon due Entry and Payment of Duty, or upon due Entry for Exportation; and with further Condition, that the Whole of such Goods shall be so cleared from such Warehouse, and the Duties, upon any Deficiency of the Quantity according to such first Account, shall be paid, within Two Years from the Date of the first Entry thereof; and if after such Bond shall have been given the Goods or any Part thereof shall be sold or disposed of, so that the original Bondholder shall be no longer interested in or have any Control over the same, it shall be lawful for the Collector and Controller to admit fresh Security to be given by the Bond of the new Proprietor or other Person having Control over such Goods, with his sufficient Sureties, and to cancel the Bond given by the original Bondholder of such Goods, or to exonerate him to the Extent of the fresh Security so given.

Bond upon Entry of Goods to be warehoused.

Purchaser of Goods may give Bond in lieu of original Bond.

XLI. And be it further enacted, That if any Goods which have been entered to be warehoused shall not be duly carried and deposited in the Warehouse, or shall afterwards be taken out of the Warehouse without due Entry and Clearance, or having been entered and cleared for Exportation from the Warehouse shall not be duly carried and shipped, or shall afterwards be re-landed except with Permission of the proper Officer of the Customs, such Goods shall be forfeited.

Goods not duly warehoused, &c. to be forfeited.

Account of
Goods to be
taken on
landing.

No Goods to be
taken out with-
out Entry.

Deficiencies to
be ascertained.

Duties to be
paid upon
Deficiencies.

Samples may
be taken.

Goods may be
sorted and
re-packed.

Duty due on
first Quantity.

Whole Packages
may be aban-
doned for Duty.

Goods ware-
housed may be
delivered for
Removal with-
out Payment of
Duty.

All Goods to be
cleared within
Two Years, or
sold.

XLII. And be it further enacted, That upon the Entry and Landing of any Goods to be warehoused, the proper Officer of the Customs shall take a particular Account of the same, and shall mark the Contents on each Package, and shall enter the same in a Book to be kept for that Purpose; and no Goods which have been so warehoused shall be taken or delivered from the Warehouse except upon due Entry, and under Care of the proper Officers for Exportation, or upon due Entry and Payment of Duty for Home Use; and whenever the Whole of the Goods warehoused under any Entry shall be cleared from the Warehouse, or whenever further Time shall be granted for any such Goods to remain warehoused, an Account shall be made out of the Quantity upon which the Duties have been paid, and of the Quantity exported, and of the Quantity (to be then ascertained) of the Goods still remaining in the Warehouse, as the Case may be, deducting from the Whole the Quantity contained in any whole Packages (if any) which may have been abandoned for the Duties; and if upon such Account there shall in either Case appear to be any Deficiency of the original Quantity, the Duty payable upon the Amount of such Deficiency shall then be paid.

XLIII. And be it further enacted, That it shall be lawful for the Collector and Controller, under such Regulations as they shall see fit, to permit moderate Samples to be taken of any Goods so warehoused, without Entry, and without Payment of Duty, except as the same shall eventually become payable, as on a Deficiency of the original Quantity.

XLIV. And be it further enacted, That it shall be lawful for the Collector and Controller, under such Regulations as they shall see fit, to permit the Proprietor or other Person having Control over any Goods so warehoused to sort, separate, and pack and re-pack any such Goods, and to make such lawful Alterations therein, or Arrangements and Assortments thereof, as may be necessary for the Preservation of such Goods, or in order to the Sale, Shipment, or legal Disposal of the same; and also to permit any Parts of such Goods so separated to be destroyed, but without Prejudice to the Claim for Duty upon the whole original Quantity of such Goods: Provided always, that it shall be lawful for any Person to abandon any whole Packages to the Officers of the Customs for the Duties, without being liable to any Duty upon the same.

XLV. And be it further enacted, That Goods warehoused at any warehousing Port in any of the *British Possessions in America*, being first duly entered, may be delivered, under the Authority of the proper Officer of the Customs, without Payment of Duty, except for any Deficiency thereof, for the Purpose of Removal to another warehousing Port in the same Possession, under Bond, to the Satisfaction of such Officer, for the due Arrival and re-warehousing of such Goods at such other Port.

XLVI. And be it further enacted, That all Goods which have been so warehoused or re-warehoused shall be duly cleared, either for Exportation or for Home Consumption, within Two Years from the Day of first Entry for the warehousing thereof; and if any such Goods be not so cleared, it shall be lawful for the Collector and Controller to cause the same to be sold, and the Produce shall be applied,

applied, first to the Payment of the Duties, next of Warehouse-Rent and other Charges, and the Overplus (if any) shall be paid to the Proprietor: Provided always, that it shall be lawful for the Collector and Controller to grant further Time for any such Goods to remain warehoused, if they shall see fit so to do.

Further Time
may be granted.

XLVII. And be it further enacted, That upon the Entry Outwards of any Goods to be exported from the Warehouse, the Person entering the same shall give Security by Bond in Treble the Duties of Importation on the Quantity of such Goods, with Two sufficient Sureties, to be approved by the Collector or Controller, that the same shall be landed at the Place for which they be entered Outwards, or be otherwise accounted for to the Satisfaction of the Collector and Controller.

Bond on Entry
for Exportation.

XLVIII. And be it further enacted, That it shall be lawful for His Majesty, by Order in Council, from Time to Time to appoint any Port in His Majesty's Possessions in *America* to be a free warehousing Port for all or any of the Purposes of this Act; and every such Port so appointed by His Majesty shall be, for all the Purposes expressed in such Order, a free warehousing Port under this Act, as if appointed by the same.

Power to
appoint other
Ports.

XLIX. 'And whereas it is expedient that all Duties and Regulations relating to Importation and Exportation into and from His Majesty's Islands in the *West Indies* should be extended to the Island of *Mauritius*;' be it therefore enacted, That all Goods, Wares, and Merchandize, the Growth, Produce, or Manufacture of the Island of *Mauritius*, and all Goods, Wares, and Merchandize which having been imported into the said Island of *Mauritius* shall be imported from thence into any Part of the United Kingdom of *Great Britain* and *Ireland*, or into any Possessions of His Majesty, His Heirs or Successors, shall be liable, upon such Importation into the United Kingdom or into any such Possessions respectively, to the Payment of the same Duties and shall be subject to the same Regulations as the like Goods, Wares, and Merchandize being of the Growth, Produce, or Manufacture of His Majesty's Islands in the *West Indies*, or having been imported into and exported from any of the said Islands, and imported from the same into the said United Kingdom or into any such Possessions respectively, would on such Importation be liable to the Payment of or would be subject unto; and that upon the Exportation of any Goods, Wares, or Merchandize from the United Kingdom to the Island of *Mauritius* such Goods, Wares, or Merchandize shall be liable to the same Duties and shall be entitled to the like Drawbacks respectively as would or ought by Law to be charged or allowed upon the like Goods from the United Kingdom to any of His Majesty's Islands in the *West Indies*; and that all Goods, Wares, and Merchandize which shall be imported into or exported from the said Island of *Mauritius* from or to any Place whatever, other than the United Kingdom of *Great Britain* and *Ireland*, shall upon such Importation or Exportation respectively be liable to the Payment of the same Duties, and shall be subject to the same Regulations, so far as any such Regulations can or may be applied, as the like Goods, Wares, and Merchandize would be liable to the Payment of or would be subject to upon Importation or Exportation into or from any of His Majesty's Islands in the *West Indies*; and that all Ships

Goods from
Mauritius liable
to same Duties
and Regulations
as *West India*
Goods.

and Vessels whatever which shall arrive at or depart from the said Island of *Mauritius* shall be liable to the Payment of the same Duties and shall be subject to the same Regulations as such Ships or Vessels would be liable to the Payment of or would be subject to if arriving at or departing from any of His Majesty's Islands in the *West Indies*.

Cape of Good Hope within Limits of the Company's Charter.

L. And be it further enacted, That in all Trade with the *British Possessions* in *America*, the *Cape of Good Hope*, and the Territories and Dependencies thereof, shall be deemed to be within the Limits of the *East India Company's Charter*.

Dutch Proprietors in Demerara, Essequibo, and Berbice, may supply their Estates from Holland.

LI. And be it further enacted, That it shall be lawful for any of the Subjects of the King of the *Netherlands*, being *Dutch Proprietors* in the Colonies of *Demerara* and *Essequibo* and of *Berbice*, to import in *Dutch Ships* from the *Netherlands* into the said Colonies all the usual Articles of Supply for their Estates therein, and also Wine imported for the Purposes of Medicine only, and which shall be liable to a Duty of Ten Shillings *per Ton*, and no more; and in case Seizure be made of any Articles so imported, upon the Ground that they are not such Supplies, or are for the Purpose of Trade, the Proof to the contrary shall lie on the *Dutch Proprietor* importing the same, and not on the seizing Officer: Provided always, that if sufficient Security by Bond be given in Court to abide the Decision of the Commissioners of Customs upon such Seizure, the Goods so seized shall be admitted to Entry and released.

Dutch Proprietors may not export to United Kingdom or Colonies.

LII. And be it further enacted, That it shall not be lawful for such *Dutch Proprietor* to export the Produce of their Estates to the United Kingdom, or to any of His Majesty's Sugar Colonies in *America*, except under the Conditions herein-after provided.

What Persons shall be deemed Dutch Proprietors.

LIII. And be it further enacted, That all Subjects of His Majesty the King of the *Netherlands* resident in His said Majesty's *European Dominions* who were at the Date of the Signature of the Convention between His late Majesty King *George the Third* and the King of the *Netherlands*, dated the Twelfth Day of *August* One thousand eight hundred and fifteen, Proprietors of Estates in the said Colonies, and all Subjects of His said Majesty who may hereafter become possessed of Estates then belonging to *Dutch Proprietors* therein, and all such Proprietors as being then resident in the said Colonies, and being Natives of His said Majesty's Dominions in the *Netherlands*, may have declared, within Three Months after the Publication of the aforesaid Convention in the said Colonies, that they wish to continue to be considered as such, and all Subjects of His said Majesty the King of the *Netherlands* who may be the Holders of Mortgages of Estates in the said Colonies made prior to the Date of the Convention, and who may under their Mortgage Deeds have the Right of exporting from the said Colonies to the *Netherlands* the Produce of such Estates, shall be deemed *Dutch Proprietors* under the Provisions of this Act; provided that where both *Dutch* and *British* Subjects have Mortgages upon the same Property in the said Colonies, the Produce to be consigned to the different Mortgagees shall be in proportion to the Debts respectively due to them.

Proprietors of Estates.

Holders of Mortgages.

Persons not wishing to be considered

LIV. ' And whereas it is expedient to permit any of such Persons, at their Option, to relinquish such Character of *Dutch Proprietor* ;

‘Proprietor;’ be it therefore enacted, That if any such Person shall make and sign a Declaration in Writing, attested by Two credible Witnesses, setting forth that he is desirous and has elected not to be deemed to be a *Dutch* Proprietor within the Meaning of the said Act in respect of any such Estate or Mortgage to be mentioned and named in such Declaration, and shall cause such Declaration to be delivered to the Commissioners of His Majesty’s Customs, such Person shall thenceforth be no longer nor again deemed a *Dutch* Proprietor within the Meaning of the said Act in respect of the Estate or Mortgage so mentioned in such Declaration as aforesaid, and such Declaration shall have effect in respect of any Goods the Produce of any such Estate of which such Person so far as relates to those Goods was a *Dutch* Proprietor, although such Goods may have been exported from the Colony before the delivering of such Declaration as aforesaid.

Dutch Proprietors to sign a Declaration to that Effect.

LV. And be it further enacted, That no *British* Merchant Ship or Vessel shall sail from any Place in the Island of *Jamaica* to any Place in the Island of *Saint Domingo*, nor from any Place in the Island of *Saint Domingo* to any Place in the Island of *Jamaica*, under the Penalty of the Forfeiture of such Ship or Vessel, together with her Cargo; and that no Foreign Ship or Vessel which shall have come from, or shall in the Course of her Voyage have touched at, any such Place in the Island of *Saint Domingo*, shall come into any Port or Harbour in the Island of *Jamaica*; and if any such Ship or Vessel, having come into any such Port or Harbour, shall continue there for Forty-eight Hours after Notice shall have been given by the Officer of the Customs to depart therefrom, such Ship or Vessel shall be forfeited; and if any Person shall be landed in the Island of *Jamaica* from on board any Ship or Vessel which shall have come from or touched at the Island of *Saint Domingo*, except in case of urgent Necessity, or unless Licence shall have been given by the Governor of *Jamaica* to land such Person, such Ship shall be forfeited, together with her Cargo.

No Ship to sail from Jamaica to Saint Domingo, or from Saint Domingo to Jamaica.

LVI. And be it further enacted, That all Laws, Bye Laws, Usages, or Customs at this Time or which hereafter shall be in practice, or endeavoured or pretended to be in force or practice, in any of the *British* Possessions in *America*, which are in anywise repugnant to this Act, or to any Act of Parliament made or hereafter to be made in the United Kingdom, so far as such Act shall relate to and mention the said Possessions, are and shall be null and void to all Intents and Purposes whatsoever.

Colonial Laws repugnant to any Act of Parliament to be null and void.

LVII. Provided always, and be it enacted and declared, That no Exemption from Duty in any of the *British* Possessions Abroad, contained in any Act of Parliament, does or shall extend to any Duty not imposed by Act of Parliament, unless and so far only as any Duty not so imposed is or shall be expressly mentioned in such Exemption.

Exemption from Duties to extend only to Duties by Act of Parliament.

LVIII. And be it further enacted, That it shall be lawful for the Officers of Customs to go on board any Ship in any Port in any *British* Possession in *America*, and to rummage and search all Parts of such Ship for prohibited and uncustomed Goods, and also to go on board any Ship hovering within One League of any of the Coast thereof, and in either Case freely to stay on board such Ship so long as she shall remain in such Port or within such Distance; and

Officers may board Ships hovering on the Coasts.

if any such Ship be bound elsewhere, and shall continue so hovering for the Space of Twenty-four Hours after the Master shall have been required to depart, it shall be lawful for the Officer of the Customs to bring such Ship into Port, and to search and examine her Cargo, and to examine the Master upon Oath touching the Cargo and Voyage; and if there be any Goods on board prohibited to be imported into such Possession, such Ship and her Cargo shall be forfeited; and if the Master shall not truly answer the Questions which shall be demanded of him in such Examination, he shall forfeit the Sum of One hundred Pounds.

Forfeiture of
Vessels, Car-
riages, &c. re-
moving Goods
liable to For-
feiture.

LIX. And be it further enacted, That all Vessels, Boats, Carriages, and Cattle made use of in the Removal of any Goods liable to Forfeiture under this Act shall be forfeited, and every Person who shall assist or be otherwise concerned in the unshipping, landing, or Removal, or in the harbouring of such Goods, or into whose Hands or Possession the same shall knowingly come, shall forfeit the Treble Value thereof, or the Penalty of One hundred Pounds, at the Election of the Officers of the Customs; and the Averment in any Information or Libel to be exhibited for the Recovery of such Penalty, that the Officer proceeding has elected to sue for the Sum mentioned in the Information, shall be deemed sufficient Proof of such Election, without any other or further Evidence of such Fact.

Goods, Vessels,
&c. liable to
Forfeiture may
be seized by
Officers.

LX. And be it further enacted, That all Goods, and all Ships, Vessels, and Boats, and all Carriages, and all Cattle, liable to Forfeiture under this Act, shall and may be seized and secured by any Officer of the Customs or Navy, or by any Person employed for that Purpose by or with the Concurrence of the Commissioners of His Majesty's Customs; and every Person who shall in any way hinder, oppose, molest, or obstruct any Officer of the Customs or Navy, or any Person so employed as aforesaid, in the Exercise of his Office, or any Person acting in his Aid or Assistance, shall for every such Offence forfeit the Sum of Two hundred Pounds.

Writ of Assist-
ance to search
for and seize
Goods liable to
Forfeiture.

LXI. And be it further enacted, That, under Authority of a Writ of Assistance granted by the Superior or Supreme Court of Justice or Court of Vice Admiralty having Jurisdiction in the Place (who are hereby authorized and required to grant such Writ of Assistance upon Application made to them for that Purpose by the principal Officers of His Majesty's Customs), it shall be lawful for any Officer of the Customs, taking with him a Peace Officer, to enter any Building or other Place in the Daytime, and to search for and seize and secure any Goods liable to Forfeiture under this Act, and, in case of Necessity, to break open any Doors and any Chests or other Packages for that Purpose; and such Writ of Assistance, when issued, shall be deemed to be in force during the whole of the Reign in which the same shall have been granted, and for Twelve Months from the Conclusion of such Reign.

Obstruction of
Officers by
Force.

LXII. And be it further enacted, That if any Person shall by Force or Violence assault, resist, oppose, molest, hinder, or obstruct any Officer of the Customs or Navy, or other Person employed as aforesaid, in the Exercise of his Office, or any Person acting in his Aid or Assistance, such Person being thereof convicted shall be adjudged a Felon, and shall be proceeded against as such, and punished at the Discretion of the Court before whom such Person shall be tried.

LXIII. And

LXIII. And be it further enacted, That all Things which shall be seized as being liable to Forfeiture under this Act, or under any Act made for the Prevention of Smuggling, or relating to the Revenue of Customs, or to Trade or Navigation, shall be taken forthwith and delivered into the Custody of the Collector and Controller of the Customs at the Custom House next to the Place where the same were seized, who shall secure the same by such Means and in such Manner as shall be provided and directed by the Commissioners of His Majesty's Customs; and after Condemnation thereof the Collector and Controller shall cause the same to be sold by public Auction to the best Bidder: Provided always, that it shall be lawful for the Commissioners of the Customs to direct in what Manner the Produce of such Sale shall be applied, or, in lieu of such Sale, to direct that any of such Things shall be destroyed, or shall be reserved for the public Service.

Goods seized to be secured at the next Custom House, and sold by Auction.

LXIV. And be it further enacted, That all Penalties and Forfeitures which may have been heretofore or may be hereafter incurred under this or any other Act relating to the Customs or to Trade or Navigation shall and may be prosecuted, sued for, and recovered in any Court of Record or of Vice Admiralty having Jurisdiction in the Colony or Plantation where the Cause of Prosecution arises, and in Cases where there shall happen to be no such Courts, then in any Court of Record or of Vice Admiralty having Jurisdiction in some *British* Colony or Plantation near to that where the Cause of Prosecution arises; provided that in Cases where a Seizure is made in any other Colony than that where the Forfeiture accrues, such Seizure may be prosecuted in any Court of Record or of Vice Admiralty having Jurisdiction either in the Colony or Plantation where the Forfeiture accrues, or in the Colony or Plantation where the Seizure is made, at the Election of the Seizor or Prosecutor; and in Cases where there shall happen to be no such Courts in either of the last-mentioned Colonies or Plantations, then in the Court of Record or of Vice Admiralty having Jurisdiction in some *British* Colony or Plantation near to that where the Forfeiture accrues or to that where the Seizure is made, at the Election of the Seizor or Prosecutor.

Jurisdiction for Prosecution of Seizures and Penalties.

LXV. And be it further enacted, That if any Goods or any Ship or Vessel shall be seized as forfeited under this Act, or any Act hereafter to be made, and detained in any of the *British* Possessions in *America*, it shall be lawful for the Judge or Judges of any Court having Jurisdiction to try and determine such Seizures, with the Consent of the Collector and Controller of the Customs, to order the Delivery thereof on Security by Bond, with Two sufficient Sureties, to be first approved by such Collector and Controller, to answer Double the Value of the same in case of Condemnation; and such Bond shall be taken to the Use of His Majesty in the Name of the Collector of the Customs in whose Custody the Goods or the Ship or Vessel may be lodged, and such Bond shall be delivered and kept in the joint Custody of such Collector and his Controller; and in case the Goods or the Ship or Vessel shall be condemned, the Value thereof shall be paid into the Hands of such Collector, who shall thereupon, with the Consent or Privity of his Controller, cancel such Bond.

Bail may be given for Goods or Ships seized.

Suits to be commenced in Name of Officers of Customs, &c.

LXVI. And be it further enacted, That no Suit shall be commenced for the Recovery of any Penalty or Forfeiture under this Act except in the Name of some superior Officer of the Customs or Navy, or other Person employed as herein-before mentioned, or of His Majesty's Advocate or Attorney General for the Place where such Suit shall be commenced; and if a Question shall arise, whether any Person is an Officer of the Customs or Navy, or such other Person as aforesaid, *vivâ voce* Evidence may be given of such Fact, and shall be deemed legal and sufficient Evidence.

Onus probandi to lie on Party.

LXVII. And be it further enacted, That if any Goods shall be seized for Nonpayment of Duties, or any other Cause of Forfeiture, and any Dispute shall arise whether the Duties have been paid for the same, or the same have been lawfully imported, or lawfully laden or exported, the Proof thereof shall lie on the Owner or Claimer of such Goods, and not on the Officer who shall seize and stop the same.

Claim to Thing seized to be entered in Name of the Owner.

LXVIII. And be it further enacted, That no Claim to any Thing seized under this Act, and returned into any of His Majesty's Courts for Adjudication, shall be admitted, unless such Claim be entered in the Name of the Owner, with his Residence and Occupation, nor unless Oath to the Property in such Thing be made by the Owner, or by his Attorney or Agent by whom such Claim shall be entered, to the best of his Knowledge and Belief; and every Person making a false Oath thereto shall be deemed guilty of a Misdemeanor, and shall be liable to the Pains and Penalties to which Persons are liable for a Misdemeanor.

No Person admitted to enter Claim for any Thing seized, unless Security first given.

LXIX. And be it further enacted, That no Person shall be admitted to enter a Claim to any Thing seized in pursuance of this Act, and prosecuted in any of the *British Possessions in America*, until sufficient Security shall have been given in the Court where such Seizure is prosecuted, in a Penalty not exceeding Sixty Pounds, to answer and pay the Costs occasioned by such Claim; and in default of giving such Security, such Things shall be adjudged to be forfeited, and shall be condemned.

A Month's Notice of Action to be given to Officers.

LXX. And be it further enacted, That no Writ shall be sued out against, nor a Copy of any Process served upon, any Officer of the Customs or Navy, or other Person as aforesaid, for any thing done in the Exercise of his Office, until One Calendar Month after Notice in Writing shall have been delivered to him, or left at his usual Place of Abode, by the Attorney or Agent to the Party who intends to sue out such Writ or Process, in which Notice shall be clearly and explicitly contained the Cause of the Action, the Name and Place of Abode of the Person who is to bring such Action, and the Name and Place of Abode of the Attorney or Agent; and no Evidence of the Cause of such Action shall be produced except of such as shall be contained in such Notice; and no Verdict shall be given for the Plaintiff unless he shall prove on the Trial that such Notice was given; and in default of such Proof the Defendant shall receive in such Action a Verdict and Costs.

Actions to be brought within Three Months of the Cause of them.

LXXI. And be it further enacted, That every such Action shall be brought within Three Calendar Months after the Cause thereof, and shall be laid and tried in the Place or District where the Facts were committed; and the Defendant may plead the General Issue and

and give the special Matter in Evidence; and if the Plaintiff shall become nonsuited, or shall discontinue the Action, or if upon a Verdict or Demurrer Judgment shall be given against the Plaintiff, the Defendant shall receive Treble Costs, and have such Remedy for the same as any Defendant can have in other Cases where Costs are given by Law.

LXXII. And be it further enacted, That in case any Information or Suit shall be brought to Trial on account of any Seizure made under this Act, and a Verdict shall be found for the Claimant thereof, and the Judge or Court before whom the Cause shall have been tried shall certify on the Record that there was probable Cause of Seizure, the Claimant shall not be entitled to any Costs of Suit, nor shall the Person who made such Seizure be liable to any Action, Indictment, or other Suit or Prosecution on account of such Seizure; and if any Action, Indictment, or other Suit or Prosecution shall be brought to Trial against any Person on account of such Seizure, wherein a Verdict shall be given against the Defendant, the Plaintiff, besides the Thing seized, or the Value thereof, shall not be entitled to more than Two-pence Damages, nor to any Costs of Suit, nor shall the Defendant in such Prosecution be fined more than One Shilling.

Judge may
certify probable
Cause of
Seizure.

LXXIII. And be it further enacted, That it shall be lawful for such Officer, within One Calendar Month after such Notice, to tender Amends to the Party complaining, or his Agent, and to plead such Tender in Bar to any Action, together with other Pleas; and if the Jury shall find the Amends sufficient, they shall give a Verdict for the Defendant; and in such Case, or in case the Plaintiff shall become nonsuited, or shall discontinue his Action, or Judgment shall be given for the Defendant upon Demurrer, then such Defendant shall be entitled to the like Costs as he would have been entitled to in case he had pleaded the General Issue only: Provided always, that it shall be lawful for such Defendant, by Leave of the Court where such Action shall be brought, at any Time before Issue joined, to pay Money into Court as in other Actions.

Officer may
tender Amends.

LXXIV. And be it further enacted, That in any such Action, if the Judge or Court before whom such Action shall be tried shall certify upon the Record that the Defendant or Defendants in such Action acted upon probable Cause, then the Plaintiff in such Action shall not be entitled to more than Two-pence Damages, nor to any Costs of Suit.

Judge may
certify probable
Cause of Action.

LXXV. And be it further enacted, That all Penalties and Forfeitures recovered in any of the *British Possessions in America* under this Act, or under any Act made for the Prevention of Smuggling, or relating to the Revenue of Customs, or to Trade or Navigation, shall be paid into the Hands of the Collector or Controller of the Port or Place in the *British Possession in America* where the same shall have been recovered, and shall be divided, paid, and applied as follows; (that is to say,) after deducting the Charges of Prosecution from the Produce thereof, One Third Part of the Net Produce shall be paid into the Hands of the Collector of His Majesty's Customs at the Port or Place where such Penalties or Forfeitures shall be recovered for the Use of His Majesty, one Third Part to the Governor or Commander-in-Chief of the said Colony or Plantation, and the other Third Part to the Person who shall seize, in-

Recovery and
Application of
Penalties.

form,

form, and sue for the same; excepting such Seizures as shall be made at Sea by the Commanders or Officers of His Majesty's Ships of War, duly authorized to make Seizures, one Moiety of which Seizures, and of the Penalties and Forfeitures recovered thereon, first deducting the Charges of Prosecution from the gross Produce thereof, shall be paid as aforesaid to the Collector of His Majesty's Customs, to and for the Use of His Majesty, and the other Moiety to him or them who shall seize, inform, and sue for the same, any Law, Custom, or Usage to the contrary notwithstanding; subject nevertheless to such Distribution of the Produce of the Seizures so made at Sea, as well with regard to the Moiety herein-before granted to His Majesty as with regard to the other Moiety given to the Seizor or Prosecutor, as His Majesty shall think fit to order and direct by any Order or Orders of Council, or by any Proclamation or Proclamations to be made for that Purpose.

Limitation of
Suits.

LXXVI. And be it further enacted, That all Actions or Suits for the Recovery of any of the Penalties or Forfeitures imposed by this Act may be commenced or prosecuted at any Time within Three Years after the Offence committed by reason whereof such Penalty or Forfeiture shall be incurred, any Law, Usage, or Custom to the contrary notwithstanding.

Limitation of
Appeals.

LXXVII. And be it further enacted, That no Appeal shall be prosecuted from any Decree or Sentence of any of His Majesty's Courts in *America* touching any Penalty or Forfeiture imposed by this Act, or by any Act made for the Prevention of Smuggling, or relating to the Revenue of Customs, or to Trade and Navigation, unless the Inhibition shall be applied for and decreed within Twelve Months from the Time when such Decree or Sentence was pronounced.

Security to
abide an Appeal
from Decree of
Vice Admiralty
Court.

LXXVIII. Provided always, and be it further enacted, That in any Case in which Proceedings shall have been or shall hereafter be instituted in any Court of Vice Admiralty or other competent Court in any of His Majesty's Possessions Abroad against any Ship, Vessel, Boat, Goods, or Effects, for the Recovery of any Penalty or Forfeiture under any Act for the Prevention of Smuggling, or relating to the Revenue of Customs, or to the Trade or Navigation of the United Kingdom or of any of His Majesty's Possessions Abroad, the Execution of any Sentence or Decree restoring such Ship, Vessel, Boat, Goods, or Effects to the Claimant thereof, which shall be pronounced by the said Vice Admiralty Court in which such Proceedings shall have been had, shall not be suspended by reason of any Appeal which shall be prayed and allowed from such Sentence, provided that the Party or Parties appellate shall give sufficient Security, to be approved of by the Court, to render and deliver the Ship, Vessel, Boat, Goods, or Effects concerning which such Sentence or Decree shall be pronounced, or the full Value thereof, to be ascertained either by Agreement between the Parties, or in case the said Parties cannot agree, then by Appraisement under the Authority of the said Court, to the Appellant or Appellants in case the Sentence or Decree so appealed from shall be reversed, and such Ship, Vessel, Boat, Goods, or Effects be ultimately condemned.

Persons autho-
rized to make
Seizures under
5 G. 4. c. 119.

LXXIX. And be it further enacted, That all Persons authorized to make Seizures under an Act passed in the Fifth Year of the Reign of His late Majesty, intituled *An Act to amend and con-*

solidate

solidate the Laws relating to the Abolition of the Slave Trade, shall, in making and prosecuting any such Seizures, have the Benefit of all the Provisions granted to Persons authorized to make Seizures under this Act.

to have the Benefit of this Act.

LXXX. And be it further enacted, That all Penalties and Forfeitures created by the said Act passed in the Fifth Year of His late Majesty, whether pecuniary or specific, shall (except in Cases specially provided for by the said Act) go and belong to such Persons as are authorized by that Act to make Seizures, in such Shares, and shall and may be sued for and prosecuted, tried, recovered, distributed, and applied in such and the like Manner, and by the same Ways and Means, and subject to the same Rules and Directions, as any Penalties and Forfeitures incurred in *Great Britain* and in the *British Possessions in America* respectively now go and belong to, and may be sued, prosecuted, tried, recovered, and distributed respectively, in *Great Britain* or in the said Possessions, under and by virtue of this Act.

Application of Penalties under 5 G. 4. c. 119.

LXXXI. And be it further enacted, That it shall be lawful for His Majesty, by and with the Advice of His Privy Council, by any Order or Orders in Council to be issued from Time to Time, to give such Directions and make such Regulations touching the Trade and Commerce to and from any *British Possessions* on or near the Continent of *Europe*, or within the *Mediterranean Sea*, or in *Africa*, or within the Limits of the *East India Company's Charter* (excepting the Possessions of the said Company), as to His Majesty in Council shall appear most expedient and salutary, any thing in this Act to the contrary notwithstanding; and if any Goods shall be imported or exported in any Manner contrary to any such Order of His Majesty in Council, the same shall be forfeited, together with the Ship importing or exporting the same.

The King may regulate the Trade of certain Colonies.

LXXXII. And be it further enacted, That it shall be lawful for the *East India Company*, during the Continuance of their exclusive Privileges of Trade, to trade in and export from any Place within the Limits of their Charter any Goods for the Purpose of being carried to some of His Majesty's Possessions in *America*, and so to carry and to import the same into any of such Possessions, and also to carry Return Cargoes from such Possessions to any Place within the Limits of their Charter, or to the United Kingdom; and that it shall be lawful for any of His Majesty's Subjects, with the Licence in Writing granted by or under the Authority of the said Company, to lade in and export from any of the Dominions of the Emperor of *China* any Goods, and to lade in and export from any Place within the Limits of the said Company's Charter any Tea, for the Purpose of being carried to some of His Majesty's Possessions in *America*, and also so to carry and to import the same into any of such Possessions.

East India Company may carry Goods from India to Colonies.

Private Persons may trade to China or in Tea, having Licence from the Company, but limited to the Supply of the Colonies.

LXXXIII. And be it further enacted, That it shall be lawful for any Person, being the Shipper of any Sugar the Produce of some *British Possession* within the Limits of the *East India Company's Charter*, to be exported from any Place in such Possession, to go before the Collector or Controller or other chief Officer of the Customs at such Place, or, if there be no such Officer of the Customs, to go before the principal Officer of such Place, or the Judge

Certificate of Production of East India Sugar.

or Commercial Resident of the District, and make and sign an Affidavit before him that such Sugar was really and *bond fide* the Produce of such British Possession, to the best of his Knowledge and Belief; and such Officer, Judge, or Resident is hereby authorized and required to administer such Affidavit, and to grant a Certificate thereof, setting forth in such Certificate the Name of the Ship in which the Sugar is to be exported, and the Destination of the same.

Ships built prior to 1st January 1816 deemed British Ships within certain Limits.

LXXXIV. And be it further enacted, That all Ships built at any Place within the Limits of the *East India* Company's Charter prior to the First Day of *January* One thousand eight hundred and sixteen, and which then were and have continued ever since to be solely the Property of His Majesty's Subjects, shall be deemed to be *British* Ships for all the Purposes of Trade within the said Limits, including the *Cape of Good Hope*, any thing in this Act, or in any other Act or Acts passed in this present Session of Parliament, to the contrary notwithstanding.

Certificate of Production of Cape Wine.

LXXXV. And be it further enacted, That it shall be lawful for the Shipper of any Wine the Produce of the *Cape of Good Hope* or of its Dependencies, which is to be exported from thence, to go before the Chief Officer of the Customs, and make and sign an Affidavit before him that such Wine was really and *bond fide* the Produce of the *Cape of Good Hope* or of its Dependencies; and such Officer is hereby authorized and required to administer such Affidavit, and to grant a Certificate thereof, setting forth in such Certificate the Name of the Ship in which the Wine is to be exported, and the Destination of the same.

Certificate of Production of Goods in Guernsey, &c.

LXXXVI. And be it further enacted, That it shall be lawful for any Person who is about to export from any of the Islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark* to the United Kingdom, or to any of the *British Possessions* in *America*, any Goods of the Growth or Produce of any of those Islands, or any Goods manufactured from Materials which were the Growth or Produce thereof, or of the United Kingdom, to go before any Magistrate of the Island from which the Goods are to be exported, and make and sign before him a Declaration that such Goods, describing the same, are of such Growth or Produce, or of such Manufacture, and such Magistrate shall administer and sign such Declaration; and thereupon the Governor, Lieutenant Governor, or Commander-in-chief of the Island from which the Goods are to be exported shall, upon the Delivery to him of such Declaration, grant a Certificate under his Hand of the Proof contained in such Declaration, stating the Ship in which and the Port to which, in the United Kingdom or in any such Possession, the Goods are to be exported; and such Certificate shall be the proper Document to be produced at such Ports respectively in proof that the Goods mentioned therein are of the Growth, Produce, or Manufacture of such Islands respectively.

Tea may not be imported into Guernsey, &c. except from United Kingdom.

LXXXVII. And be it further enacted, That during the Continuance of the exclusive Right of Trade now enjoyed by the *East India* Company it shall not be lawful to import into any of the Islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, any Tea, except from the United Kingdom; and if any Tea shall be brought into any of the said Islands from any other Place than from the United Kingdom,

Kingdom, or not having been duly entered and cleared in the United Kingdom to be exported to such Island, the same shall be forfeited.

LXXXVIII. And be it further enacted, That no Brandy, Geneva, or other Spirits (except Rum of the *British* Plantations) shall be imported into or exported from the Islands of *Jersey*, *Guernsey*, *Alderney* or *Sark*, or either of them, or removed from any one to any other of the said Islands, or Coastwise from any one Part to any other Part of either of the said Islands, or shall be shipped in order to be so removed or carried, or shall be waterborne for the Purpose of being so shipped in any Ship, Vessel, or Boat of less Burthen than One hundred Tons (except when imported from the United Kingdom in Ships of the Burthen of Seventy Tons at least), nor in any Cask or Package of less Size or Content than Forty Gallons, (except when in Bottles, and carried in a Square-rigged Ship,) nor any Tobacco or Snuff in any Ship, Vessel, or Boat of less Burthen than One hundred Tons (except when imported from the United Kingdom in Ships of the Burthen of Seventy Tons at least), nor in any Cask or Package containing less than Four hundred and fifty Pounds Weight (save and except any such Spirits or loose Tobacco as shall be for the Use of the Seamen belonging to and on board any such Ship, Vessel, or Boat, not exceeding Two Gallons of the former, and Five Pounds Weight of the latter, for each Seaman, and also except such manufactured Tobacco or Snuff as shall have been duly exported as Merchandize from *Great Britain* or *Ireland*), on pain of Forfeiture of all such Foreign Brandy, Geneva, or other Spirits, Tobacco or Snuff respectively, together with the Casks or Packages containing the same, and also of every such Ship, Vessel, or Boat, together with all the Guns, Furniture and Ammunition, Tackle and Apparel thereof.

Guernsey, &c.
Tonnage of
Ships and Size
of Packages for
Spirits;

also for
Tobacco.

LXXXIX. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to subject to Forfeiture or Seizure, under any of the Provisions of this Act, any Boat not exceeding the Burthen of Ten Tons for having on board at any one Time any Foreign Spirits of the Quantity of Ten Gallons or under, in Casks or Packages of less Size or Content than Forty Gallons, or any Tobacco, Snuff, or Tea, not exceeding Fifty Pounds Weight of each, for the Supply of the said Island of *Sark*, such Boat having a Licence from the proper Officer of Customs at either of the Islands of *Guernsey* or *Jersey* for the Purpose of being employed in carrying Commodities for the Supply of the said Island of *Sark*, which Licence such Officer of Customs is hereby required to grant without taking any Fee or Reward for the same: Provided always, that every such Boat having on board at any one Time any greater Quantity of Spirits than Ten Gallons, or any greater Quantity of Tobacco or Snuff than Fifty Pounds Weight of each of the said Articles, unless such greater Quantity of Spirits, Tobacco, or Snuff shall be in Casks or Packages of the Size, Content, or Weight herein-before required, or having on board at any one Time any greater Quantity of Tea than Fifty Pounds Weight, shall be forfeited.

Not to extend
to Vessels of
Ten Tons sup-
plying Island of
Sark, having
Licence so to do.

XC. And be it further enacted, That every Person who shall be found or discovered to have been on board any Vessel or Boat liable to Forfeiture under any Act relating to the Revenue of Customs,

Penalty on
Persons found
on board
Vessels liable to
toms,

Forfeiture
within One
League of
Guernsey, &c.

toms, for being found within One League of the Islands of *Guernsey, Jersey, Alderney, or Sark*, having on board or in any Manner attached or affixed thereto, or conveying or having conveyed, in any Manner, such Goods or other Things as subject such Vessel or Boat to Forfeiture, or who shall be found or discovered to have been on board any Vessel or Boat from which any Part of the Cargo shall have been thrown overboard during Chace, or staved or destroyed, shall forfeit the Sum of One hundred Pounds.

British Coals
not to be re-
exported from
British Posses-
sions without
Duty.

XCI. And be it further enacted, That it shall not be lawful for any Person to re-export from any of His Majesty's Possessions Abroad to any Foreign Place any Coals the Produce of the United Kingdom, except upon Payment of the Duty to which such Coals would be liable upon Exportation from the United Kingdom to such Foreign Place; and that no such Coals shall be shipped at any of such Possessions, to be exported to any *British* Place, until the Exporter or the Master of the exporting Vessel shall have given Bond, with One sufficient Surety, in Double the Value of the Coals, that such Coals shall not be landed at any Foreign Place.

Penalty for
using Docu-
ments counter-
feited or falsi-
fied.

XCII. And be it further enacted, That if any Person shall, in any of His Majesty's Possessions Abroad, counterfeit or falsify, or wilfully use when counterfeited or falsified, any Entry, Warrant, Cocket, Transire, or other Document for the unlading, lading, entering, reporting, or clearing any Ship or Vessel, or for the landing, shipping, or removing of any Goods, Stores, Baggage, or Article whatever, or shall by any false Statement procure any Writing or Document to be made for any such Purposes, or shall falsely make any Oath or Affirmation required by any Act for regulating the Trade of the *British Possessions* Abroad, or shall forge or counterfeit a Certificate of the said Oath or Affirmation, or shall publish such Certificate knowing the same to be so forged or counterfeited, every Person so offending shall for every such Offence forfeit the Sum of Two hundred Pounds; and such Penalty shall and may be prosecuted, sued for, and recovered in like Manner and by such Ways and Means as any Penalty may be prosecuted, sued for, and recovered under the Provisions and Directions of the said last-mentioned Act.

Act may be
altered this
Session.

XCIII. And be it further enacted, That this Act may be altered, varied, or repealed by any Act to be passed in the present Session of Parliament.

CAP. LX.

An Act for regulating the Trade of the *Isle of Man*.

[28th August 1833.]

6 G. 4. c. 115.

7886c43
repealed 8191c84
see 1c94

WHEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for regulating the Trade of the Isle of Man*; whereby the Laws of Customs, in relation to the Trade of the *Isle of Man*, were consolidated and amended: And whereas since the passing of the said Act divers Acts for the further Amendment of the Law have been found necessary; and it will be of advantage to the Trade and Commerce of the Country that the said Acts should be consolidated into One Act: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons,

Commons, in this present Parliament assembled, and by the Authority of the same, That this Act shall commence upon the First Day of *September* One thousand eight hundred and thirty-three, except where any other Commencement is herein particularly directed.

Commencement
of Act.

II. And be it further enacted, That there shall be raised, levied, collected, and paid unto His Majesty, His Heirs and Successors, the several Duties of Customs as the same are respectively set forth in Figures in the Table herein-after contained, denominated "*Table of Duties*," upon Importation into the *Isle of Man* of the several Goods, Wares, and Merchandize, according to the Quantity or Value thereof specified in such Table, and so in proportion for any greater or less Quantity or Value of the same; (that is to say,)

Duties specified
in Table payable
on the Importa-
tion of Goods
into the Isle of
Man.

TABLE OF DUTIES.

A TABLE of the DUTIES of CUSTOMS payable on Goods, Wares, and Merchandize imported into the *Isle of Man*.

	£	s.	d.
Coals from the United Kingdom - - - - -			Free.
Coffee, the Duties of Consumption in the United Kingdom not having been then paid thereon - - - the lb.	0	0	4
Hemp - - - - - the Cwt.	0	0	1
Hops, from the United Kingdom - - - the lb.	0	0	1½
Iron, from Foreign Parts - for every 100 <i>l.</i> of the Value thereof	10	0	0
Spirits; videlicet,			
— Foreign Spirits - - - - - the Gallon	0	4	6
— Rum of the British Plantations, not exceeding the Strength of Proof by Sikes's Hydrometer, and so in propor- tion for any greater Strength - - - the Gallon	0	3	0
Sugar, Muscovado - - - - - the Cwt.	0	1	0
Tea; videlicet,			
— Bohea - - - - - the lb.	0	0	6
— Green - - - - - the lb.	0	1	0
Tobacco - - - - - the lb.	0	1	6
Wine; videlicet,			
— French - - - the Tun of 252 Gallons	16	0	0
— any other Sort - - - the Tun of 252 Gallons	12	0	0
Wood, from Foreign Parts; videlicet,			
— Deal Boards - for every 100 <i>l.</i> of the Value thereof	10	0	0
— Timber - - for every 100 <i>l.</i> of the Value thereof	10	0	0
Goods, Wares, and Merchandize imported from the United Kingdom, and entitled to any Bounty or Drawback of Excise on Exportation from thence, and not herein-before enume- rated or charged with Duty - for every 100 <i>l.</i> of the Value thereof	5	0	0
Goods, Wares, and Merchandize imported from the United Kingdom, and not herein-before charged with Duty - for every 100 <i>l.</i> of the Value thereof	2	10	0
Goods, Wares, or Merchandize imported from any Place from whence such Goods may be lawfully imported into the Isle of Man, and not herein-before charged with Duty - for every 100 <i>l.</i> of the Value thereof	15	0	0

Exemptions.

Except the several Goods, Wares, and Merchandize following, and which are to be imported into the *Isle of Man* Duty-free; (that is to say,)

Certain Goods in any Ship from any Place.

Flax, Flax Seed, Raw or Brown Linen Yarn, Wood Ashes, Weed Ashes, Flesh of all Sorts; also Corn, Grain, or Meal of all Sorts, when importable; any of which Goods, Wares, or Merchandize may be imported into the said *Isle* from any Place in any Ship or Vessel.

British Goods in any Ship from United Kingdom.

Any Sort of White or Brown Linen Cloth, Hemp, Hemp Seed, Horses, Black Cattle, Sheep, all Utensils and Instruments fit and necessary to be employed in Manufactures, in Fisheries, or in Agriculture, Bricks, Tiles, all Sorts of young Trees, Sea Shells, Lime, Soapers Waste, Pack-thread, small Cordage for Nets, Salt, Boards, Timber, Wood Hoops, being the Growth, Production, or Manufacture of the United Kingdom, and imported from thence in *British* Ships.

British Colonial Goods in British Ships from United Kingdom.

Iron in Rods or Bars, Cotton, Indigo, Naval Stores, and any Sort of Wood commonly called Lumber, (*videlicet*, Deals of all Sorts, Timber, Barks of all Sizes, Barrel Boards, Clap Boards, Pipe Boards, or Pipe Hold, White Boards for Shoemakers, Broom and Cant Spars, Bow Staves, Capravan, Clap Holt, Ebony Wood, Headings for Pipes and for Hogsheads and for Barrels, Hoops for Coopers, Oars, Pipe and Hogshead Staves, Barrel Staves, Firkin Staves, Trunnels, Speckled Wood, Sweet Wood, small Spars, Oak Plank, and Wainscot,) being of the Growth, Production, or Manufacture of any *British* Colony or Plantation in *America* or the *West Indies*, and imported from the United Kingdom in *British* Ships.

British Goods from United Kingdom to appear upon the Cocketts.

III. And be it further enacted, That no Goods shall be entered in the *Isle of Man* as being the Growth, Produce, or Manufacture of the United Kingdom, or as being imported from thence, except such Goods as shall appear upon the Cocket or Cocketts of the Ship or Vessel importing the same to have been duly cleared at some Port in the United Kingdom, to be exported to the said *Isle*.

Goods enumerated in the following Schedule importable only under Licence.

IV. And be it further enacted, That the several Sorts of Goods enumerated or described in the Schedule herein-after contained, denominated "Schedule of License Goods," shall not be imported into the *Isle of Man*, nor exported from any Place to be carried to the *Isle of Man*, without the Licence of the Commissioners of Customs first obtained, nor in greater Quantities in the whole, in any one Year, than the respective Quantities of such Goods specified in the said Schedule; and that such Goods shall not be so exported nor so imported, except from the respective Places set forth in the said Schedule, and according to the Rules subjoined thereto; (that is to say,)

SCHEDULE OF LICENSE GOODS.

Wine	-	-	-	-	One hundred and ten Tuns.
Spirits; <i>videlicet</i> ,	-	-	-	-	
Foreign Brandy	-	-	-	-	Ten thousand Gallons.
Foreign Geneva	-	-	-	-	Ten thousand Gallons.

From the United Kingdom, or from any Place from which the same might be imported into the United Kingdom, for Consumption therein.

Rum, of the *British* Plantations,
Sixty thousand Gallons.

From *Great Britain*.

Bohea Tea	- - -	Seventy thousand Pounds.
Green Tea	- - -	Five thousand Pounds.
Coffee (unless the Duties of Consumption in the United Kingdom shall have been then paid thereon)	- -	Eight thousand Pounds.
Tobacco	- - -	Sixty thousand Pounds.
Muscovado Sugar, of the <i>British Possessions</i>	-	Ten thousand Hundred Weight.
Playing Cards	- -	Four thousand Packs.
From <i>England</i> .		
Refined Sugar	- - -	Eight hundred Hundred Weight.
From the Port of <i>Liverpool</i> .		

And such additional Quantities of any of such several Sorts of Goods as the Commissioners of His Majesty's Treasury shall from Time to Time, under any special Circumstances of Necessity, direct, from such Ports respectively;

Subject to the Rules following; (that is to say,)

(1.) All such Goods to be imported into the Port of *Douglas*, and by His Majesty's Subjects, and in *British Ships* or Vessels of the Burthen of Fifty Tons or upwards: Subject to certain Rules.

(2.) Such Tobacco to be shipped only in Ports in *England* where Tobacco is allowed to be imported and warehoused without Payment of Duty: Tobacco.

(3.) Such Wine to be so imported only in Casks or Packages containing not less than a Hogshead each, or in Cases containing not less than Three Dozen reputed Quart Bottles or Six Dozen reputed Pint Bottles each: Wine.

(4.) Such Brandy and Geneva to be imported only in Casks containing One hundred Gallons each, at least: Spirits.

(5.) Such Brandy and Geneva not to be of greater or higher Degree of Strength than that of One to Nine over Hydrometer Proof: Strength of Spirits.

(6.) Such Goods, when exported from *Great Britain*, may be so exported from the Warehouse in which they may have been secured without Payment of Duty: Warehouse Goods.

(7.) If the Duties of Importation have been paid in the United Kingdom on such Goods, a full Drawback of such Duties shall be allowed on the Exportation: Drawbacks.

(8.) Upon the Exportation from *Liverpool* of such refined Sugar, the same Bounty shall be allowed as would be allowable on Exportation to Foreign Parts: Sugar Bounty.

(9.) Upon Exportation from the United Kingdom of any such Goods from the Warehouse, or for Drawback, or for Bounty, so much of the Form of the Bond, or of the Declaration, or of any other Document, required in the Case of Exportation of such Goods generally to Foreign Parts, as is intended to prevent the landing of the same in the *Isle of Man*, shall be omitted: Export Bond in United Kingdom made applicable.

(10.) No Drawback or Bounty to be allowed, nor Export Bond cancelled, until a Certificate of the due landing of the Goods at the Port of *Douglas* be produced from the Collector and Controller of the Customs at that Port: Certificate of Landing.

(11.) If any Goods be laden at any Foreign Port or Place, the Species and Quantity of such Goods, with the Marks, Numbers, Goods laden in Foreign Ports.

and Denominations of the Casks or Packages containing the same, shall be indorsed on the Licence, and signed by the *British* Consul at the Port of lading, or if there be no *British* Consul, by Two known *British* Merchants :

Licence to be delivered up.

(12.) Upon Importation into the Port of *Douglas* of any such Goods, the Licence for the same shall be delivered up to the Collector or Controller of that Port.

Application for Licence to be delivered to Officers at *Douglas* between 5th May and 5th July.

V. And be it further enacted, That every Application for Licence to import any of the Goods aforesaid into the *Isle of Man* shall be made in Writing, and delivered, between the Fifth Day of *May* and the Fifth Day of *July* in each Year, to the Collector or Controller of the Port of *Douglas* in the said Isle ; and such Application shall specify the Date thereof, and the Name, Residence, and Occupation of the Person applying, and the Description and Quantity of each Article for which such Licence is required ; and all such Applications with such Particulars shall be entered in a Book to be kept at the Custom House at the Port of *Douglas*, and to be there open for public Inspection during the Hours of Business ; and on the Fifth Day of *July* in each Year such Book shall be closed ; and within Fourteen Days thereafter the Collector and Controller shall make out and sign a true Copy of such Entries, specifying the Applicants resident and the Applicants not resident in the said Isle, and deliver or transmit such Copy to the Governor or Lieutenant Governor of the said Isle for the Time being.

Account to be delivered to the Governor.

Governor to allot Quantities ;

VI. And be it further enacted, That within Fourteen Days after the Receipt of such Copy the Governor or Lieutenant Governor of the said Isle shall allot the whole Quantity of each Article, in the first place, among the Applicants resident in the said Island ; in case the whole Quantity of any Article shall not have been applied for by Residents, then shall allot the Quantity not so applied for among the non-resident Applicants, in such Proportions in all Cases as he shall judge most fair and equitable ; and shall cause a Report thereon to be drawn up in Writing, and sign and transmit the same to the Lords Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, and shall cause a Duplicate of such Report so signed to be transmitted to the Commissioners of Customs.

and report to Treasury and Commissioners of Customs.

Commissioners of Customs to grant Licences according to Report of Governor.

VII. And be it further enacted, That upon Receipt of such Duplicate Report the Commissioners of Customs shall grant Licences, to continue in force for any Period until the Fifth Day of *July* then next ensuing, for the Importation into the *Isle of Man* of the Quantities of such Goods as are allowed by Law to be so imported, with their Licence, according to the Allotments in such Report, and dividing the whole Portion allotted to any one Applicant into several Licences, as they shall be desired and see fit ; and such Licences shall be transmitted without Delay to the Collector and Controller of *Douglas*, to be by them delivered to the different Applicants, after taking Bond for the same under the Provisions of this Act.

Before Delivery of Licences, Bond to be given.

VIII. And be it further enacted, That previous to the Delivery of any such Licences to the Persons to whom they are granted, the Collector and Controller of *Douglas* shall take the Bond of such Persons to His Majesty, His Heirs and Successors, with sufficient Security, for the Importation of the Articles for which the said Licences

Licences are respectively granted on or before the Fifth Day of *July* succeeding the Delivery of **such Licences**, with such Conditions, and for the Forfeiture of such Sums, not exceeding the whole Amount of Duties payable in *Great Britain* on Articles similar to those specified in such Licences, as the Commissioners of Customs shall think fit: Provided always, that if any Person to whom such Licence shall be granted shall not have given such Bond prior to the Fifth Day of *January* next after the granting such Licence, it shall be lawful for the Governor or Lieutenant Governor of the said Isle, if he shall see fit, to transfer any such Licence to any other Person who shall be desirous to take up the same, and willing and able to give such Bond; and such Transfer shall be notified by Indorsement on the Licence signed by such Governor or Lieutenant Governor.

Licence not taken up may be transferred by Governor.

IX. And be it further enacted, That if any Person or Persons shall counterfeit or falsify any Licence or other Document required for the Importation into the *Isle of Man* of any Goods which would otherwise be prohibited to be imported into the said Isle, or shall knowingly or wilfully make use of any such Licence or other Document so counterfeited or falsified, such Person or Persons shall for every such Offence forfeit the Sum of Five hundred Pounds.

Counterfeiting or falsifying Licence, Penalty 500*l*.

X. And be it further enacted, That it shall not be lawful to re-export from the *Isle of Man* any Goods which have been imported into the said Isle with Licence of the Commissioners of Customs as aforesaid; and that it shall not be lawful to carry any such Goods Coastwise from one Part of the said Isle to another, except in Vessels of Fifty Tons Burthen at the least, and in the same Packages in which such Goods were imported into the said Isle; and that it shall not be lawful to remove any Wine from one Part of the said Isle to another, by and except in such Packages or in Bottles.

Licence Goods not to be re-exported; nor carried Coastwise, unless in certain Vessels.

Wine removed Inland, &c.

XI. And be it further enacted, That it shall not be lawful to export from the *Isle of Man* to any Part of the United Kingdom any Goods which are of the Growth, Produce, or Manufacture of any Foreign Country.

Foreign Goods not to be exported to U. K.

XII. And be it further enacted, That if any Goods shall be imported into or exported from the *Isle of Man*, or carried Coastwise from one Part of the said Isle to another Part of the same, or shall be waterborne, or brought to any Wharf or other Place with Intent to be waterborne, to be so exported or carried, or shall be removed by Land within the said Isle, contrary to any of the Directions or Provisions of this Act, the same and the Packages containing the same shall be forfeited, together with all Ships, Vessels, or Boats, and all Cattle and Carriages used or employed therein; and every Person offending therein shall forfeit for every such Offence the Sum of One hundred Pounds, or the full Amount of all Duties which would be payable in respect of such or similar Goods for Home Consumption of the same in the United Kingdom, at the Election of the Commissioners of Customs.

Goods imported or exported, &c. contrary to Law, forfeited, &c.

Forfeiture of Vessels, &c.

Penalty.

XIII. And be it further enacted, That the several Sorts of Goods enumerated or described in the Schedule herein-after contained, denominated "Schedule of Prohibitions," shall not be imported into the *Isle of Man*; (that is to say,)

Goods prohibited to be imported into the Isle of Man.

SCHEDULE OF PROHIBITIONS.

Goods, the Produce or Manufacture of Places within the Limits of the United *East India* Company's Charter ; except from the United Kingdom :

Cotton Yarn, Cotton Cloth, Linen Cloth, Glass Manufactures, Woollen Manufactures, unless *bonâ fide* laden in and imported directly from the United Kingdom :

Spirits of greater Strength than One to Nine over Hydrometer Proof, except Spirits the Produce of the *British* Possessions in *America*, or of the *Cape of Good Hope* :

British distilled Spirits :

All Goods prohibited to be imported into the United Kingdom to be used or consumed therein, on account of the Sort or Description of the same.

Limiting the Quantity of Spirits, Tea, and Tobacco for Use of Seamen :
In decked Vessels ;

XIV. ' And whereas it is expedient that the Quantities of Spirits, and Tobacco, and Tea, allowed to be exported in decked Vessels or open Boats respectively, bound from the *Isle of Man* to *Great Britain* or *Ireland*, for the Use of the Seamen then belonging to and on board such decked Vessels or open Boats, should be limited ;' be it therefore enacted, That if any decked Vessel, bound from the *Isle of Man* to any Port of *Great Britain* or *Ireland*, shall have on board for the Use of the Seamen any Spirits exceeding the Quantity of Half a Gallon for each Seaman, or any Tobacco exceeding One Pound Weight for each Seaman, or any Tea exceeding Two Pounds Weight for the whole of the Seamen on board such Vessel, or if any open Boat, bound from the *Isle of Man* to any Port of *Great Britain* or *Ireland*, shall have on board for the Use of the Seamen any Spirits exceeding One Quart for each Seaman, or any Tobacco exceeding One Half of a Pound Weight for each Seaman, or any Tea exceeding One Pound Weight for the whole of the Seamen on board such Boat, all such Foreign Spirits, Tobacco, and Tea respectively, together with the Casks or Packages containing the same, and also every such Vessel or Boat, together with all the Guns, Furniture, Ammunition, Tackle, and Apparel thereof, shall be forfeited.

In open Boats.

Certificate for Goods the Produce of the Isle of Man.

XV. And be it further enacted, That before any Goods shall be shipped in the *Isle of Man* for Exportation to the United Kingdom, as being the Produce or Manufacture of that Island, Proof shall be made by the written Declaration of some competent Person, to the Satisfaction of the Collector and Controller of the Customs at the Port of Shipment, that such Goods, describing and identifying the same, are the Produce or the Manufacture, as the Case may be, of the said Island, and in such Declaration shall be stated the Name of the Person by whom such Goods are intended to be entered and shipped ; and such Person at the Time of Entry (not being more than One Month after the Date of such Declaration) shall make and subscribe a Declaration before such Collector or Controller that the Goods to be shipped in virtue of the Entry are the same as are mentioned in such Declaration ; and thereupon the Collector and Controller shall, on Demand, give to the Master of the Ship in which the Goods are to be exported a Certificate of such Proof of Produce or of Manufacture having been made in respect

of such Goods, describing the same, and setting forth the Name of the Exporter and of the exporting Ship, and of the Master thereof, and the Destination of the Goods; and such Certificate shall be received at the Port of Importation in the United Kingdom instead of the Certificate of the Governor, Lieutenant Governor, or Commander in Chief of the said Island, heretofore required.

XVI. And be it further enacted, That the Duties of Customs shall be raised, levied, collected, paid, recovered, and accounted for under the Authority and Direction or under the Management and Controul of the Commissioners of His Majesty's Customs, and, except the necessary Charges of raising, collecting, levying, recovering, and accounting for the same, the said Rates and Duties shall from Time to Time (subject to the Deductions herein-after mentioned) be brought and paid into the Receipt of His Majesty's Exchequer, distinctly and apart from all other Branches of the Public Revenue, and shall go to and make Part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*: Provided always, that any of the Collectors of Customs of the said Isle shall and he and they is and are hereby authorized and required, agreeably to such Directions as shall from Time to Time be given for that Purpose by the Commissioners of His Majesty's Customs, to retain such Sum or Sums of Money in his or their Hands as may be sufficient to defray the necessary Expences attending the Government of the said *Isle of Man*, and the Administration of Justice there, and other Charges incurred in the said Isle, which have heretofore been or may hereafter be deemed fit and proper Charges to be deducted from and paid out of the Duties of Customs collected in the said *Isle of Man*; and upon the Amount of the said Expences and Charges being ascertained, the said Commissioners are hereby authorized to direct the same to be paid out of the said Monies so retained to such Person or Persons as may be entitled to receive the same.

Management
of Duties.

Duties to be
paid into the
Exchequer.

Part of Duties
may be retained
for Expences
of the Govern-
ment.

XVII. And be it further enacted, That this Act may be altered, varied, or repealed by any Act or Acts to be passed in this present Session of Parliament.

Act may be
altered this
Session.

CAP. LXI.

An Act to admit Sugar without Payment of Duty to be refined for Exportation.

*repealed by
859 & c. 64*

[28th August 1833.]

‘ **W**HEREAS it is expedient to admit Sugar without Payment of Duty to be refined for Exportation, under the Lock of the Crown;’ be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That upon the Application to the Commissioners of His Majesty’s Customs of any Person actually carrying on the Business of a Sugar Refiner in the Ports of *London, Liverpool, Bristol, Hull, Greenock, or Glasgow*, or any other Port to be approved of by any Three of the Lords Commissioners of His Majesty’s Treasury, it shall be lawful for the Commissioners of His Majesty’s Customs, by their Order, to approve of such Premises as Bonded Sugar Houses for the refining of Sugar for Exportation

Commissioners
of His Majesty’s
Customs may
approve of
Premises for
Bonded Sugar
Houses;

only, on it being made appear to the Satisfaction of the said Commissioners that the said Premises are fit in every respect for receiving such Sugars, and wherein the same may be safely deposited.

and Officers
empowered to
deliver Sugars
Duty-free, to be
there refined
for Exportation
only.

Order of Ap-
proval may be
revoked.

Refiner to give
Bond that Sugar
received be sub-
mitted to Pro-
cess of Refine-
ment, and after-
wards exported,
or delivered
into Bonded
Warehouse.

II. And be it further enacted, That on the Approval of any Premises as Bonded Sugar Houses as aforesaid, it shall be lawful for the Officers of the Customs at the Ports respectively where such Premises are situated to deliver, without Payment of Duty, to the Party or Parties so applying as aforesaid, on Entry with the proper Officer of Customs, any Quantity of Foreign Sugar, or of Sugar the Produce of any *British* Possession, for the Purpose of being there refined, under the Locks of the Crown, for Exportation only; and that all Sugars so delivered shall be lodged and secured in such Premises, under such Conditions, Regulations, and Restrictions as the said Commissioners shall from Time to Time direct: Provided always, that it shall be lawful for the said Commissioners by their Order to revoke or alter any former Order of Approval of any such Premises.

III. And be it further enacted, That upon the Entry of Sugar to be refined in any Premises approved of under the Authority of this Act, the Refiner on whose Premises the same is to be refined shall give Bond, to the Satisfaction of the Officers of the Customs, in the Penalty of Double the Amount of the Duty payable upon a like Quantity of Sugar of the *British* Plantations, with a Condition that the whole of such Sugar shall be actually subjected to the Process of Refinement upon the said Premises, and that within Four Months from the Date of such Bond the whole of the refined Sugar and Treacle produced by such Process shall be either duly exported from the said Premises, or delivered into an approved Bonded Warehouse, under the Locks of the Crown, for the Purpose of being eventually exported to Foreign Parts.

CAP. LXII.

An Act to defray the Charge of the Pay, Clothing, and contingent and other Expences of the Disembodied Militia in *Great Britain* and *Ireland*; and to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons Mates, and Serjeant Majors of the Militia, until the First Day of *July* One thousand eight hundred and thirty-four.

[28th August 1833.]

‘ WHEREAS it is necessary that Provision should be made
‘ for defraying the Charge of the Pay, Clothing, and con-
‘ tingent and other Expences of the Regular Militia, and of the
‘ Miners of *Cornwall* and *Devon*, when disembodied, in *Great*
‘ *Britain* and *Ireland*; and for making in certain Cases Allowances
‘ of Reduced Pay to Subaltern Officers and Surgeons Mates and
‘ Assistant Surgeons of the Regular Militia, and of the Miners of
‘ *Devon* and *Cornwall*, while disembodied; and Allowances to Ad-
‘ jutants, Paymasters, Surgeons, Quartermasters, and Serjeant
‘ Majors of the Regular Militia, who have been or may be reduced,
‘ and to Adjutants, Surgeons, and Quartermasters disabled after
‘ long

‘ long Service :’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Secretary at War for the Time being may and shall, and he is hereby authorized, empowered, and required to cause to be issued and paid the whole Sum required for the Regular Militia of *Great Britain and Ireland* (when disembodied), in the Manner and for the several Uses herein-after mentioned ; (that is to say,) for the Pay of the said Regular Militia at the Rates following ; (that is to say,)

Secretary at War to issue the Money required for the Pay of the Regular Militia.

For each Adjutant, Eight Shillings *per Diem* :

Rates of Pay.

For each Serjeant Major, having been Serjeant Major of a Provisional Battalion of Militia, Two Shillings and Sixpence *per Diem* :

For each Serjeant Major, where One is appointed in Corps consisting of Two or more Companies, One Shilling and Tenpence *per Diem* :

For each Serjeant having been a Colour Serjeant in one of the Provisional Battalions of Militia, Two Shillings *per Diem* :

For each Serjeant doing the Duty of Quartermaster Serjeant, One Shilling and Tenpence *per Diem* :

For each Serjeant, One Shilling and Sixpence *per Diem* :

For each Drum Major, where One is appointed in Corps consisting of Eight or more Companies, One Shilling and Sixpence *per Diem* :

For each Drummer, One Shilling *per Diem* :

Provided always, that when any Serjeant Major, Serjeant, Drum Major, or Drummer shall be absent on Furlough or Licence, he shall during such Absence receive Sixpence *per Diem* less than the above-mentioned Rates respectively :

Rates of Pay when absent on Furlough.

And also for the Clothing of the Regular Militia (when disembodied), in Cases in which full Clothing shall be provided by the Colonel or Commandant, at the Rate of Five Pounds Twelve Shillings and One Penny for each Serjeant Major and Serjeant doing the Duty of Quartermaster Serjeant ; Three Pounds for each Serjeant ; Two Pounds Eighteen Shillings and Sevenpence for each Drum Major and Drummer ; and One Pound Seventeen Shillings for each Private Man ; and so in proportion, in the Cases in which only Part of the Clothing shall be provided by the Colonel or Commandant, together with the actual Expence of Package and Carriage, and such Charges for altering and fitting the Clothing as shall have been notified by the Secretary at War : Provided always, that such Serjeant Majors, Serjeants acting as Quartermaster Serjeants, Drum Majors, Serjeants, and Drummers as were serving on the Disembodied Staff on the First Day of *June* One thousand eight hundred and twenty-nine, and shall be resident at Head Quarters, shall be entitled to be clothed Once in Two Years ; and that such as shall have been subsequently appointed to serve or promoted on the Disembodied Staff shall be entitled to be clothed Once in Four Years :

Clothing.

And also at the Rate of One Penny *per Month* for each Private Man and Drummer or Fifer, for defraying the contingent Expences of each Regiment, Battalion, or Corps.

Contingent Fund.

II. And be it further enacted, That every Adjutant, Non-commissioned Officer, and Drummer on the Staff of the Regular Militia,

Adjutant, &c. to reside where the Arms of the Corps are kept.

when disembodied, shall be constantly resident within the City, Town, or Place where the Arms of the Corps to which they belong are kept, or within such reasonable Distance of the *Depôt* as shall be sanctioned by the Secretary at War: Provided always, that every such Adjutant, Non-commissioned Officer, and Drummer shall forfeit his Pay for any Period during which he shall be absent, except when absent by Leave from the Colonel or Commandant of the Regiment, Battalion, or Corps, which Leave shall not, except in case of certified Sickness, extend beyond Three Calendar Months in One Year, nor to a greater Proportion than One Third of the Non-commissioned Officers and Drummers at the same Time.

Adjutant to have Charge of the Arms and Clothing; and to issue the Money for contingent Expences on an Order signed by the Colonel.

Balance to form a Stock Purse.

In Absence of the Adjutant, the Serjeants, &c. to be under the Command of the Serjeant Major.

Militia when called out for Training or Exercise entitled to Pay.

Allowances to Subalterns and Surgeons Mates and Assistant Surgeons.

III. And be it further enacted, That the Adjutant of each Regiment of Militia shall have the Charge and Care of the Arms, Accountrements, Great Coats, Clothing, Necessaries, and other Stores under the Superintendence of the Colonel or Commandant; and shall out of the Allowance of One Penny *per* Month for each Private Man and Drummer, directed by this Act to be issued and paid for defraying the contingent Expences of such Regiment, Battalion, or Corps, from Time to Time issue and pay such Sums of Money as may be necessary for the Repair of Arms, and other usual contingent Expences, upon an Order in Writing signed by the Colonel or other Commandant; and after Payment of such Sums as aforesaid he shall Three Times in the Year make up Accounts of all such Money, and of the Expenditure thereof, showing the Balance remaining in his Hands, (which said Balance shall form a Stock Purse for the Use of the Regiment, Battalion, or Corps,) and shall transmit the same to the Colonel or other Commandant of such Regiment, Battalion, or Corps, to be by him examined, allowed, and signed; and the said Accounts so allowed and signed shall be and are hereby directed to be the proper Vouchers and Acquittal of such Adjutant for the Application and Disposal of such Money.

IV. And be it further enacted, That in the occasional and unavoidable Absence of the Adjutant from the City, Town, or Place where the Arms of any Corps of Militia when disembodied are kept, or during any Vacancy in the Appointment of Adjutant, the Serjeants and Drummers shall be under the Command of the Serjeant Major, or of some Serjeant who shall be appointed by the said Adjutant, with the Approbation of the Colonel or other Commanding Officer, to act as Serjeant Major during the Absence of such Adjutant; and the said Serjeant Major or acting Serjeant Major shall render the same Returns, and perform such other Acts, as are by Law required from the Adjutant.

V. And be it further enacted, That the Officers and Non-commissioned Officers, Drummers, and Private Men of the Regular Militia shall, for the Period or Periods during which they shall be called out for the Purpose of Exercise or Training, be entitled to the same Pay and Allowances as the Officers, Non-commissioned Officers, Drummers, and Private Men of the Militia when embodied.

VI. And whereas it is expedient to grant Allowances to certain Officers of the said Militia Forces of *Great Britain* and *Ireland*, while disembodied, under certain Regulations; be it further enacted, That the following Allowances shall be made and paid, to the Amount, under the Restrictions, and in the Manner herein after

‘ Battalion, or Corps of Militia ; that I did not hold or enjoy, nor
 ‘ did any Person for me hold or enjoy, during the said Period, any
 ‘ Place, Office, or Employment of Profit, Civil or Military, under
 ‘ the Crown or any other Government, besides the Allowance
 ‘ of a Day now claimed, except my Half
 ‘ Pay as a [of the Army or Navy or Marines,
 ‘ or of a Provisional Battalion formed from the Militia, *as the*
 ‘ *Case may be*], and any Pay and Allowances from the
 ‘ to the both Days inclusive, during which
 ‘ Period the Corps was assembled for Training and Exercise.
 ‘ So help me GOD.’

Which Oath, so taken and subscribed, shall be produced to the Paymaster General of His Majesty’s Forces by the Subaltern Officer, Surgeon’s Mate, or Assistant Surgeon claiming the Allowance.

Allowances
to Officers re-
duced in 1829.

IX. And be it further enacted, That the Allowances granted to certain Paymasters, Surgeons, and Quartermasters of the Militia of *Great Britain and Ireland*, on their being reduced in pursuance of an Act passed in the Tenth Year of the Reign of His Majesty King *George the Fourth*, shall be issued and paid, under the Restrictions and in the Manner herein-after expressed, during the Continuance of this Act, and that it shall be lawful for the Secretary at War to place any such Paymaster, Surgeon, or Quartermaster when unfit for further Duty upon a retired Allowance equal to and in lieu of his reduced Allowance.

Oath to be
taken by Offi-
cers claiming
the said Allow-
ances.

X. And be it further enacted, That every Paymaster, Surgeon, and Quartermaster of Militia, who shall claim under the Authority of this Act to receive any Part of the said Allowances, shall, previous to receiving the same, and in order to entitle himself thereto, take and subscribe an Oath before some one of His Majesty’s Justices of the Peace in the United Kingdom, or before some one of His Majesty’s Ministers, Secretaries of Embassy or of Legation, or Consuls Abroad, in the Words or to the Effect following ; (*videlicet*),

Form of Oath.

‘ I *A. B.* do swear, That I was serving as [Paymaster, Surgeon,
 ‘ or Quartermaster, *as the Case may be*,] in the
 ‘ of Militia, at the Reduction of the Staff of the said Militia, in
 ‘ One thousand eight hundred and twenty-nine ; and that I was
 ‘ not in Holy Orders during any Part of the Period for which
 ‘ I now claim to receive an Allowance, that is to say, from
 ‘ the Day of One thousand
 ‘ eight hundred and to the Day
 ‘ of One thousand eight hundred and ;
 ‘ and that I did not hold or enjoy, nor did any Person for me hold
 ‘ or enjoy, during any Part of the said Period, any Place, Office,
 ‘ or Employment of Profit, Civil or Military, under the Crown or
 ‘ any other Government, besides the Allowance of
 ‘ a Day now claimed, except my Half Pay as a [of the
 ‘ Army or Navy or Marines, or of a Provisional Battalion formed
 ‘ from the Militia, *as the Case may be*], and except my Pay and
 ‘ Allowances from the to the both
 ‘ Days inclusive, during which Period the Militia
 ‘ was assembled for Training and Exercise. So help me GOD.’

Which Oath, so taken and subscribed, shall be produced to the Paymaster General of His Majesty’s Forces by the Paymaster, Surgeon,

Surgeon, or Quartermaster claiming the Allowance: Provided always, that any Paymaster, Surgeon, or Quartermaster receiving such Allowance, and being on Naval or Military Half Pay, or entitled to any Allowance as having served in any of His Majesty's Regular Forces, or Navy or Marines, shall, notwithstanding such Militia Allowance, be entitled to receive such Half Pay or Allowance.

XI. ' And whereas certain Corporals and Drummers of the Militia of the United Kingdom of *Great Britain and Ireland* were, in pursuance of the Provisions of an Act passed in the Tenth Year of the Reign of His Majesty King *George* the Fourth, struck off the Establishment of the Disembodied Staff, and placed on the Out-Pension of Five-pence a Day, although not unfit for further Service;' be it further enacted, That no Corporal or Drummer so placed on the Pension of Five-pence *per Diem* shall be entitled to receive the said Pension for any Period during which he shall be receiving Pay in the Militia.

Out-Pension to Reduced Corporals and Drummers not to be received while serving.

XII. And be it further enacted, That every Paymaster, Surgeon, Quartermaster, on the reduced Allowance, and every Subaltern Officer, Surgeon's Mate, and Assistant Surgeon of the Militia, who shall be entitled or claim to be entitled to any Allowances as aforesaid, shall regularly attend the Exercise and Training of the Regiment, Battalion, or Corps to which he belongs during the whole of the Time it shall be assembled for that Purpose, and shall during the said Time punctually do and perform his Duty as a Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon of such Regiment, Battalion, or Corps, on pain of forfeiting the said Allowance, as well as all Arrears of the said Allowance and of Pay; and a Certificate of his having so attended and performed his Duty, signed by the Commanding Officer of the Regiment, Battalion, or Corps to which he may belong, shall be transmitted to the Paymaster General by the Officer claiming the Allowance: Provided always, that in case any such Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon, claiming to be entitled to such Allowance, shall by his Commanding Officer be permitted or suffered, for any special Cause or unavoidable Necessity, to be absent during the Whole or any Part of such Exercise, for which Purpose it shall be lawful for such Commanding Officer to grant such Leave of Absence, then and in such Case it shall be lawful for such Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon, who may be so permitted to be absent, and have such Leave in Writing, to demand and receive the said Allowance and every Part thereof in like Manner as if he had attended during the whole of the said Exercise: Provided always, that the Reason for such Absence, as well as the Duration thereof, shall be carefully and truly specified in a Certificate (in lieu of that before mentioned), to be signed by the Commanding Officer, and to be furnished as soon as conveniently may be to the Paymaster General.

Subalterns, Mates, &c. to attend the Exercise, &c.

Commanding Officer may grant Leave of Absence.

XIII. Provided always, and be it further enacted, That in case any Regiment, Battalion, or Corps of Militia shall not, before the Time fixed for the Payment of the said Allowances, be called out for the Exercise and Training thereof, every Paymaster, Surgeon, Quarter-

If the Regiment be not called out before the Time fixed for the Payment, the Allowance

shall be paid, on taking the Oath, without Certificate of Attendance.

Allowances to be paid quarterly.

On Neglect of Attendance, Subalterns, &c. shall forfeit their Claim to the Allowance.

Allowance not to be paid while the Militia is embodied.

Persons on Half Pay, or entitled to Allowance as having served in the Army or Navy, empowered to receive Pay, &c. during Training.

Quartermaster, Subaltern Officer, Surgeon's Mate, and Assistant Surgeon belonging to any such Regiment, Battalion, or Corps, and coming within the aforesaid Benefits of this Act, who shall have taken and subscribed the Oath herein-before mentioned before any Justice of the Peace as aforesaid, shall be entitled to the said Allowance as if he had regularly attended the Exercise and Training of such Regiment, Battalion, or Corps during the whole of the Time by Law appointed for that Purpose, and as if a Certificate of such Attendance, signed by the Commanding Officer of the Regiment, Battalion, or Corps, had been furnished.

XIV. And be it further enacted, That upon such Oaths and Certificates as aforesaid, or where any Regiment of Militia shall not have been called out to their Exercise as aforesaid, upon the said Oaths being produced to the Paymaster General, it shall be lawful for the Paymaster General, and he is hereby authorized and required, to pay to the said Paymasters, Surgeons, Quartermasters, Subaltern Officers, Surgeons Mates, and Assistant Surgeons their respective Allowances above mentioned for the usual quarterly or other proper Periods, without any Deduction whatsoever, the Oaths and Certificates before mentioned to be by him preserved and produced as Vouchers for the Payments.

XV. And be it further enacted, That the Paymasters, Surgeons, Quartermasters, Subaltern Officers, Surgeons Mates, and Assistant Surgeons of Militia, entitled or claiming to be entitled to the aforesaid reduced or disembodied Allowances, shall at all Times be liable to serve in the respective Regiments, Battalions, or Corps to which they belong whenever the same shall be embodied and called out upon active Service; and in case of Neglect or Refusal to attend when called upon, on such Occasion or on such other Occasions as may be required in pursuance of the Laws in force respecting the Militia when disembodied, each and every such Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, and Assistant Surgeon shall, on such Neglect or Refusal being certified to the Secretary at War; and, in respect of the Militia of *Great Britain*, to the Lord Lieutenant of the County, by the Colonel or other Commandant of the Regiment, Battalion, or Corps to which such Paymaster, Surgeon, Quartermaster, Subaltern, Surgeon's Mate, or Assistant Surgeon shall belong, forfeit his Claim to the said Allowance and every Part thereof, as shall also be considered as having resigned and vacated his Commission to all Intents and Purposes whatsoever.

XVI. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to entitle any Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon as aforesaid, to the said Allowance, or any Part thereof, during the Time the Militia to which he belongs shall be embodied or assembled for Training and Exercise.

XVII. Provided always, and be it further enacted, That any Person being on Naval or Military Half Pay, or being entitled to any Allowance as having served in any of His Majesty's Forces or Navy or Marines, and serving in the Militia, shall and may and he is hereby empowered to receive and take the Pay and Allowances by this Act directed to be paid to the Field Officers, Captains, Lieutenants, Ensigns, Adjutants, Quartermasters, Surgeons, Sur-
geons

geons Mates, and Assistant Surgeons, when assembled for annual Training; and the receiving and taking any such Pay and Allowances by any such Field Officer, Captain, Lieutenant, Ensign, Adjutant, Quartermaster, Surgeon, Surgeon's Mate, or Assistant Surgeon shall not prevent such Person on Half Pay, or being entitled to any such Allowance, from receiving his Half Pay or such Allowance: Provided always, that such Person shall, in the Oath to be taken for the Receipt of the Half Pay or such Allowance, declare that he has received or is entitled to such Militia Pay and Allowances, and shall specify the Militia Rank which entitles him to the same.

XVIII. Provided always, and be it further enacted, That no Adjutant, Quartermaster, Non-commissioned Officer, Drummer, or Private Man in the Regular Militia, entitled to receive any *Chelsea* or *Kilmainham* Pension or Allowance on account of Service in the Regular Army, shall forfeit or lose his Right to the same by reason of his serving and receiving Pay in the Regular Militia; nor shall any Quartermaster, Subaltern, Surgeon's Mate, or Assistant Surgeon forfeit or lose his Right to receive any such *Chelsea* or *Kilmainham* Pension or Allowance by reason of his receiving the Allowance by this Act granted to him when disembodied.

Adjutants, &c.,
Non-commissioned Officers
or Privates, not
to lose their
Right to *Chelsea*
Pensions,
&c.

XIX. And be it further enacted, That there shall be granted for each Regiment of Regular Militia, when disembodied, a Sum of Money after the Rate of One Guinea for every One hundred Men of each such Regiment, for the Expence of necessary Medicines for the sick Non-commissioned Officers, Drummers, Fifers, and Private Men of such Regiment, during the Period or Periods of Assembly for Exercise or Training; and also an Allowance of Two-pence *per* Week for each of the Non-commissioned Officers and Drummers of each Regiment on the Disembodied Staff at Head Quarters, for the Expence of necessary Medicines and Attendance given to the said Non-commissioned Officers and Drummers while such Regiment is not called out for Training and Exercise.

Allowance to
be made for
Medicines.

XX. And be it further enacted, That every Adjutant of Regular Militia appointed as such before the Twenty-fourth Day of *December* One thousand eight hundred and fourteen, who shall have served faithfully, either in His Majesty's Regular Forces, or in the Regular or Local Militia, for the full Term of Twenty Years in the whole, whereof Ten shall have been in Service as an Adjutant of Regular Militia, and who shall be by Age or Infirmary rendered unfit for further Service, shall, on producing to the Secretary at War a Certificate of such Service of Twenty Years as aforesaid from the Commanding Officers of the different Corps to which he shall have belonged, and upon obtaining an Order from the Secretary at War founded upon such Certificate, be entitled to receive, and the Paymaster General shall and he is hereby authorized to pay to such Person, an Allowance at the Rate of Eight Shillings *per Diem*: Provided always, that no Person shall be entitled to receive such Allowance as aforesaid who shall hold any Military Office or Employment of Profit under His Majesty or any other Government; and that no Person who before the First Day of *June* One thousand eight hundred and twenty-nine held any Civil Place or Employment of Profit under His Majesty, or in the Colonies or Possessions of His Majesty beyond the Seas, or under any other Government, shall receive

Adjutants appointed before
24 Dec. 1814
entitled to receive, after a
Service of
Twenty Years,
if unfit for further Service, an
Allowance of
8s. per Day,

provided they
do not hold
certain other
Appointments.

receive any Part of the said Allowance for any Time during which he held such Civil Place or Employment, except in the Cases in which the Emoluments of such Civil Place or Employment shall not exceed Three Times the Amount of the said Allowance, and unless in such excepted Cases His Majesty's Consent to the holding of such Civil Place or Employment shall have been signified through the Secretary at War; and that no Person appointed on or after the First Day of *June* One thousand eight hundred and twenty-nine to any Civil Place or Employment of Profit under His Majesty, or in the Colonies or Possessions of His Majesty beyond the Seas, or under any other Government, shall receive any Part of the said Allowance for any Time during which he shall hold such Civil Place or Employment: Provided always, that any Adjutant appointed after the Twenty-fourth Day of *December* One thousand eight hundred and fourteen, who shall have served faithfully, either in His Majesty's Regular Forces or in the Regular or Local Militia, for the full Term of Thirty Years in the whole, whereof Fifteen shall have been in Service as an Adjutant of Regular Militia, and who shall be by Age or Infirmary rendered unfit for further Service, shall, upon producing to the Secretary at War a Certificate of such Service of Thirty Years as aforesaid from the Commanding Officers of the different Corps to which he shall have belonged, and upon obtaining an Order from the Secretary at War founded upon such Certificate, be entitled to receive an Allowance at the Rate of Six Shillings a Day, in like Manner and subject to the same Restrictions and Conditions as the aforesaid Allowance of Eight Shillings: Provided also, that no such Adjutant shall lose any Right he may have to Half Pay or Out-Pension by reason of receiving such Allowance of Eight Shillings or Six Shillings a Day as aforesaid, but shall be entitled to receive such Half Pay or Out-Pension as well as such Allowance.

Adjutants appointed since 24 Dec. 1814 entitled to receive, after Thirty Years Service, &c. an Allowance of 6s. per Day.

Right to Half Pay reserved.

Allowances to Adjutants, Surgeons, and Quartermasters.

Right to Half Pay reserved.

Reduced Adjutants to receive 4s. per Day till 30th June 1834.

XXI. ' And whereas certain Allowances have been granted in pursuance of former Acts to Adjutants, Surgeons, and Quarter-masters of Regular Militia who have by Age or Infirmary been rendered unfit for further Service;' be it further enacted, That such Allowances shall be issued and paid, during the Continuance of this Act, in like Manner and subject to the same Restrictions as the Allowances granted by this Act to Adjutants who shall by Age or Infirmary be rendered unfit for further Service: Provided always, that no Person receiving such Allowance shall by reason thereof forfeit his Right to any Half Pay to which he may be entitled.

XXII. And be it further enacted, That in case any Regiment, Battalion, or Corps of Militia shall have already ceased and determined or been reduced in its Establishment, or shall cease and determine or be reduced in its Establishment during the Continuance of this Act, the Sum of Four Shillings *per Diem* shall be paid to such Person as was or shall be actually serving as Adjutant to such Regiment, Battalion, or Corps at the Time of Reduction, from the Thirtieth Day of *June* One thousand eight hundred and thirty-three, or from the Time such Regiment shall cease and determine or be reduced in its Establishment, (as the Case may be,) to the Thirtieth Day of *June* One thousand eight hundred and thirty-four, in like Manner and subject to the same Restrictions and

and Conditions as the Allowances granted by this Act to Adjutants who shall by Age or Infirmary be rendered unfit for further Service: Provided always, that no such reduced Adjutant shall lose any Right he may have to Half Pay of the Navy, Army, Marines, or Provisional Battalion formed from the Militia by reason of receiving such Allowance as last aforesaid, but shall be entitled to receive such Half Pay as well as such Allowance.

Right to Half Pay reserved.

XXIII. 'And whereas certain Adjutants and Serjeant Majors are entitled to and have received certain Allowances in consequence of having been reduced under the Provisions of an Act passed in the Thirty-ninth and Fortieth Years of the Reign of His Majesty King George the Third, which Allowances have been continued, and as to such Adjutants augmented to Four Shillings *per Diem*;' be it therefore enacted, That all such Adjutants and Serjeant Majors shall be entitled to receive and shall receive such Allowance from the Thirtieth Day of June One thousand eight hundred and thirty-three to the Thirtieth Day of June One thousand eight hundred and thirty-four.

Adjutants and Serjeant Majors entitled to Allowance under 39 & 40 G. 3. c. 44.

XXIV. And be it further enacted, That every Reduced Adjutant entitled to any Allowance granted under the said Act of the Thirty-ninth and Fortieth Years aforesaid, and continued by any subsequent Acts or by this Act, may receive and take such Allowance, together with any Full Pay, Half Pay, or Allowance which was tenable, together with such Reduced Allowance, under the Provisions of an Act passed in the Twenty-sixth Year of the Reign of His Majesty King George the Third, intituled *An Act for amending and reducing into One Act of Parliament the Laws relating to the Militia in that Part of Great Britain called England*, or under the Provisions of the aforesaid Acts of the Thirty-ninth and Fortieth Years of the Reign of His Majesty King George the Third: Provided always, that no such Reduced Adjutant shall be entitled to receive any Allowance under this Act during the Time he shall hold any Military Office of Profit under His Majesty other than such as aforesaid, or under any other Government, or any Civil Office or Employment under His Majesty or any other Government; otherwise than according to the Provisions of this Act in relation to the Allowances granted to Adjutants on account of Age or Infirmary.

Reduced Adjutants may take such Allowance with any Pay or other Allowance under 39 & 40 G. 3. c. 44. and 26 G. 3. c. 107.

Proviso.

XXV. 'And whereas certain Allowances have been granted to Reduced Adjutants of the Local Militia;' be it further enacted, That the said Allowances shall be issued and paid during the Continuance of this Act in like Manner and subject to the same Restrictions as the Allowances of the Paymasters, Surgeons, and Quartermasters of the Regular Militia who were reduced in the Year One thousand eight hundred and twenty-nine: Provided always, that in the Cases in which any such Local Militia Adjutants have been permitted to receive the said Allowances whilst holding any Civil Offices under the Crown, to which Offices they had been appointed previously to the Twenty-eighth Day of July One thousand eight hundred and twenty-eight, it shall be lawful to continue the Payment of the said Allowances under the same Regulations and Restrictions as those under which the Permission was originally granted.

Restrictions as to Allowances to Reduced Adjutants of the Local Militia.

XXVI. And

Allowances to Clerks of General and Subdivision Meetings in England.

42 G. 3. c. 90.

37 G. 3. c. 25.

42 G. 3. c. 72.

Allowances to such Officers and others in Scotland.

42 G. 3. c. 91.

Manner of granting Allowances.

Clerks, &c. to make Oath of the Justness of their Accounts.

XXVI. And be it further enacted, That in every County in *England* and *Wales*, when the Regular Militia is or shall be raised, Allowances shall be made to the Clerks of General Meetings and to the Clerks of Subdivision Meetings of Lieutenancy for their Trouble and Expences in the due Execution of an Act passed in the Forty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for amending the Law relating to the Militia in England, and for augmenting the Militia*, and of any other Acts relating to the said Militia; and also to the Clerks of General Meetings and the Clerks of Subdivision Meetings of Lieutenancy for their Trouble and Expences in the due Execution of an Act passed in the Thirty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the better raising and ordering the Militia Forces of the Tower Hamlets in the County of Middlesex*, and any other Acts relating to the said Militia; and also to the Clerks of General Meetings and the Clerks of Subdivision Meetings of the Lord Warden and Deputy Wardens of the Stannaries of *Cornwall* and *Devon* for their Trouble and Expences in the due Execution of an Act passed in the Forty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repealing an Act made in the Thirty-eighth Year of the Reign of His present Majesty King George the Third, intituled 'An Act for raising a Body of Miners in the Counties of Cornwall and Devon for the Defence of the Kingdom during the present War,' and for the more effectually raising and regulating a Body of Miners for the Defence of Great Britain*, and of any other Acts relating to the said Militia; and in every County, Stewartry, City, or Place in *Scotland* where the Regular Militia is or shall be raised, Allowances shall also be made to the Clerks of General Meetings and Clerks of the several Subdivision Meetings, and to Schoolmasters, Constables, and other Officers, for their Trouble and Expences in the due Execution of an Act passed in the Forty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to raise and establish a Militia in Scotland*, and of any other Acts relating to the said Militia.

XXVII. And be it further enacted, That the said Allowances shall be granted as follows; (*videlicet*,) the Account shall be certified by the Lieutenant of the County, Stewartry, City, or Place, or by Two or more Deputy Lieutenants acting for such County, Stewartry, City, or Place, or by the Lord Warden of the Stannaries of *Cornwall* and *Devon*, or by Two or more Deputy Wardens of the Stannaries of *Cornwall* and *Devon*; and the Clerks of General and Subdivision Meetings in *Great Britain*, and the Schoolmasters, Constables, and other Officers in *Scotland*, shall make Oath to the Justness of the Accounts, in the following Terms respectively, before some Justice of the Peace; *videlicet*,

Oath of a Clerk of General or Subdivision Meetings.

‘ I do swear, That the preceding Account, so far as regards my Interest therein, is a just and true Account of Business performed by me for and in behalf of the Public Service, according to the Manner therein set forth; and the Sums claimed as disbursed were actually paid by me.’

Oath

Oath of a Schoolmaster, Constable, or other Officer in Scotland.

' I do swear, That I am the Parochial Schoolmaster
 ' [or Constable or other Officer] of the District of
 ' in the Subdivision of the County of ;
 ' and that the preceding Account is a just and true Account of
 ' Business actually performed by myself for and in behalf of the
 ' Public Service, according to the Manner therein set forth ; and that
 ' I was employed on such Business the full Time therein stated ; and
 ' that the Sums claimed as disbursed were actually paid by me.'
 And the said Accounts shall be transmitted to the Secretary at War,
 who is hereby empowered to issue the Allowances according to the
 Rates specified in the Table to this Act annexed, or such Sums as
 he shall think reasonable and proper.

XXVIII. ' And whereas it is expedient that the Deputy Lieu-
 ' tenants acting in any Subdivision of any County, Stewartry, City,
 ' or Place in *Great Britain*, and the Special Deputy Wardens act-
 ' ing in any Subdivision in the Stannaries of the Counties of *Corn-*
 ' *wall* and *Devon*, should be assisted by the Advice of a Surgeon
 ' in deciding upon the Appeals of Persons claiming to be exempt
 ' from Service in the Militia by reason of bodily Infirmary, and
 ' upon the Fitness for Service of the Persons presenting themselves
 ' for Inrolment ;' be it therefore enacted, That it shall be lawful
 for any Two Deputy Lieutenants, and they are hereby empowered
 and required, to summon, by Two Days previous Notice in Writing,
 any competent Surgeon residing at or nearest to the Place where
 any Meeting for Appeals or Inrolment shall be held, to attend at
 such Meeting ; and every such Surgeon shall, before he begins any
 such Examination, take the following Oath, which Oath any De-
 puty Lieutenant is hereby authorized to administer ; *videlicet*,

Deputy Lieu-
 tenants may
 require the At-
 tendance of any
 Surgeon resid-
 ing near the
 Place of Meet-
 ing for Appeals.

' I do swear, That I will, to the best of my Ability,
 ' faithfully and truly report as to the Fitness for Service of the
 ' Man or Men about to be submitted to my Examination ; and
 ' that I will not receive from any of them any Fee or Reward what-
 ' ever for any such Examination.'

Oath to be taken
 by Surgeon.

And every such Surgeon shall receive for each Day's Attendance at
 such Meeting a Sum not less than Half a Guinea nor exceeding
 Two Guineas, according to the Extent of the Duty performed :
 Provided always, that the Accounts and Vouchers upon which the
 said Allowances shall be recommended by the Deputy Lieutenants
 of the respective Subdivisions shall be transmitted to the Secretary
 at War, with the Accounts of the Lieutenantcy Clerks, for Examina-
 tion and Payment.

Allowance to
 Surgeon.

XXIX. And be it further enacted, That all Sums of Money
 granted for the Pay, Clothing, contingent and other Expences, and
 for the Allowances to the Officers and Men of the Regular and Local
 Militia when disembodied, shall be issued and paid, under the Direc-
 tion of the Secretary at War, by the Acceptance of Bills or other-
 wise, according to such Regulations as have been or shall be estab-
 lished on that Head.

Pay, &c. to be
 issued under
 Directions of
 the Secretary at
 War.

XXX. And be it further enacted, That all Bills, Drafts, and
 Orders drawn for Pay or Allowances under this Act may be or
 shall be drawn upon unstamped Paper ; and no such Bill, Draft,
 or Order shall be void by reason of being drawn or written on
 unstamped Paper.

Bills drawn for
 Pay, &c. may be
 on unstamped
 Paper.

No Fee to be taken.

XXXI. Provided always, and be it further enacted, That no Fee or Gratuity whatsoever shall be given or paid for or upon account of any Warrant or Sum of Money which shall be issued in relation to or in pursuance of this Act.

Expence of House for depositing Arms and Stores of the Militia in Ireland, &c. to be defrayed by the County.

XXXII. And be it further enacted, That the Hire of any House or Place to be provided for the keeping of the Arms, Accoutrements, Clothing, or other Stores, and for the Residence and Accommodation of the Adjutant belonging to any Regiment or Battalion of Militia in *Ireland*, when not embodied, shall be defrayed by the County; and the necessary Sum for that Purpose shall be raised by the Presentment of the Grand Jury of the said County, and which Presentment the Grand Jury of the County is hereby authorized and required to pass, on a Certificate signed by the Chief Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, or, in the Absence of such Chief Secretary, by the Under Secretary or by the First Clerk in the Military Department, and specifying the Rent agreed to be paid for the same; which Certificate shall be transmitted by such Chief or Under Secretary or First Clerk to the Clerk of the Crown for such County, or at any Time prior to the first Day of the Assizes for such County, or if in the County or County of the City of *Dublin*, then prior to the first Day of the Presenting Term: Provided that in no Case any greater Rent than Fifty Pounds Currency of the United Kingdom of *Great Britain* and *Ireland* shall be presented by such Grand Jury for the annual Rent of such House or Place.

Provision as to Amount of Rent.

Lord Lieutenant may order the Arms of Militia of *Ireland* to be deposited in the Ordnance Stores in *Dublin*.

XXXIII. Provided always, and be it enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being (if he or they shall see sufficient Cause for so doing) to order and direct that the Arms, Accoutrements, and other Stores, or any Part thereof, belonging to any Regiment or Battalion of the said Militia, shall, at any Time while such Regiment or Battalion shall not be embodied or in actual Service, be conveyed to and deposited and kept in any of His Majesty's Ordnance Stores in the City of *Dublin*, or to and in any such Ordnance Store, or to and in any other Place of Security, in any other Part in *Ireland*, as he or they shall from Time to Time order or direct, and under such Rules and Regulations as he or they shall think fit and proper in that Behalf.

Provisions of this Act relating to Counties shall extend to Ridings, Stewartries, &c.

XXXIV. And be it further enacted, That all Provisions, Directions, Clauses, Matters, and Things in this Act contained, relating to Counties and to Regiments of Militia respectively, shall extend and be construed to extend to all Ridings, Shires, Stewartries, Cities, and Places, and to all Battalions, Corps, and independent Companies respectively, and to the Corps of Miners of *Cornwall* and *Devon*, as fully and effectually as if they were respectively and severally repeated in every such Provision, Direction, Clause, and with relation to every such Matter or Thing.

Continuance of Act.

XXXV. And be it further enacted, That this Act shall take effect and continue in force from the Thirtieth Day of *June* One thousand eight hundred and thirty-three until the First Day of *July* One thousand eight hundred and thirty-four.

TABLE to which this Act refers.

SCALE of RATES of Remuneration to the Clerks of General and Subdivision Meetings of Lieutenancy in Great Britain, including the Clerks of the Tower Hamlets and the Stannaries of Cornwall and Devon, and to Schoolmasters, Constables, and other Officers in Scotland, for carrying into execution Two Acts of Parliament passed in the Forty-second Year of the Reign of King George the Third, Cap. 90. and 91., and other Acts relating to the Militia.

ALLOWANCES TO THE CLERKS OF GENERAL MEETINGS.

	£	s.	d.
1. For Trouble in calling a General Meeting by Circular Letters or Advertisements (no separate Charge being made for writing the Letters or framing the Advertisements) -	0	7	6
2. For attending General Meetings, at which the Statutory Quorum of Lieutenancy shall be present, each -	5	5	0
For each Meeting which shall be necessarily adjourned by the Clerk in consequence of the Absence of the Lord Lieutenant or Deputy Lieutenants - - - -	1	11	6
Which Allowances are to be in full for engrossing Minutes, et cætera.			
3. For filling up printed Precepts to the High or Chief Constable of each Subdivision, Hundred, Lathe, Rape, or Wapentake in England and Wales, including the Tower Hamlets and the Stannaries of Cornwall and Devon, to return Lists, each - - - -	0	0	6
For filling up printed Precepts to the Schoolmasters, Chief Constables, or other Officers in Scotland, to return Lists, each - - - -	0	0	6
4. For writing the annual Advertisements for regulating, arranging, and fixing the First Subdivision Meeting of the Deputy Lieutenants for receiving the Parochial Lists and hearing Appeals - - - -	0	7	6
5. For arranging Subdivision Lists and making Abstracts thereof, Schedule (D.), for the Privy Council, the Secretary of State, and the Secretary at War; the latter Copy to be annexed to the Clerk's Accounts as a Voucher; videlicet,			
In Counties furnishing a Quota of 200 Men or under in the original Number of the Militia - - -	2	2	0
In Counties furnishing from 201 to 400 Men - -	3	3	0
Ditto - - - - 401 to 600 Men - -	4	4	0
Ditto - - - - 601 to 800 Men - -	5	5	0
Ditto - - - - 801 Men and upwards -	6	6	0
6. For striking the Proportion of Men to serve for the several Hundreds, Rapes, Lathes, Wapentakes, or other Divisions of a County in England and Wales, and for each respective Parish or other Division of a County or Stewartry in Scotland, under the several Acts of Parliament relating to the Regular Militia, when necessary to be done:	1	1	0
In Counties furnishing a Quota of 200 Men or under -	2	2	0
Ditto - - - - from 201 to 400 Men -	3	3	0
Ditto - - - - from 401 to 600 Men -	4	4	0
Ditto - - - - from 601 to 800 Men -	5	5	0
Ditto - - - - from 801 Men and upwards			

7. For Trouble in engrossing in a Book the Names of the Men contained in each Subdivision Return of Inrolment (Schedule E.):		£	s.	d.
For engrossing 50 Names and under	- - -	0	5	0
Ditto - 51 to 150 Names	- - -	0	10	0
Ditto - 151 to 250 Names	- - -	1	0	0
Ditto - 251 Names and upwards	- - -	1	10	0
8. For drawing out fair Copy of the Lord Lieutenant's Annual Return of the Militia for the County, containing the Number, Names, and Rank of the Officers, and the Number of the Non-commissioned Officers, Drummers, and Private Men:				
In Counties furnishing One Regiment, Battalion, or Corps	- - -	0	15	0
Ditto - Two	- Ditto - -	1	10	0
Ditto - Three	- Ditto - -	2	0	0
No separate Charge being made for Attendance upon the Lord Lieutenant or Deputy Lieutenants for his or their Signatures thereto.				
Note.—This Allowance is of course only chargeable by the General Clerks of those Counties in Scotland which furnish the greatest Proportion of Men towards the Formation of the Regiment, Battalion, or Corps.				
9. For Stationery:				
To the Clerk of General Meetings in a County where the Number in the original Quota of the Militia is under 300 Men	- - -	2	0	0
Ditto - from 301 to 600 Men	- - -	3	0	0
Ditto - from 601 to 900 Men	- - -	4	0	0
Ditto - from 901 Men and upwards	- - -	5	0	0
10. For Copyings, Correspondence, et cætera, et cætera:				
To the Clerk of General Meetings in a County where the Number in the original Quota of the Militia is 200 Men or under	- - -	2	0	0
In a County furnishing from 201 to 400 Men	- - -	3	0	0
Ditto - from 401 to 600 Men	- - -	4	0	0
Ditto - from 601 to 800 Men	- - -	5	0	0
Ditto - from 801 Men and upwards	- - -	6	0	0
11. The actual Amount expended for printing and publishing the Advertisements, for Postages, Expresses, and Messengers, to be allowed upon an Account, specifying each Article of Postage, et cætera, certified specially by the Lieutenancy, whose Certificate shall state that the same were necessary and actually performed.				
The Charge for printing and publishing Advertisements is invariably to be supported by the Receipt of the Person to whom paid.				
TRAINING AND EXERCISE.				
12. For filling up printed Notices to the Clerks of Subdivision Meetings of the Time and Place fixed by the Lord Lieutenant or Deputy Lieutenants for assembling the Militia to be trained and exercised, each Notice		0	0	6

13. For making out correct Abstracts from the Adjutant's or other Commanding Officer's Returns, Schedule (F.), in the Form Schedule (G.), for His Majesty's Secretary of State for the Home Department, in Counties in England and Scotland furnishing a Quota towards the Formation of an entire Regiment or Battalion	-	-	-	-	1	0	0
In Counties in England, Wales, and Scotland, furnishing One Regiment, Battalion, or Corps	-	-	-	-	2	0	0
Ditto	-	Two	-	Ditto	3	0	0
Ditto	-	Three	-	Ditto	4	0	0

ALLOWANCES TO CLERKS OF SUBDIVISION MEETINGS.

14. For Trouble in calling a Subdivision Meeting by Advertisement, no separate Charge being made for writing Letters or framing Advertisement	-	-	-	-	0	5	0
Or, for calling a Meeting by Circular Letters to the Deputy Lieutenants, the Adjutant, or other Commanding Officer, (no Charge being made for the Draft,) for each Letter	-	-	-	-	0	1	0
15. For attending Subdivision Meetings, for each of the Three first or principal Meetings at which the Statutory Quorum of Lieutenancy shall be present, videlicet, For receiving Lists and hearing Appeals, For balloting, For inrolling, And for the Meeting held to apportion the Deficiencies among the Parishes, et cætera, when necessary to be done; and also for calling out the Quota or Apportionment of the Subdivision to be trained and exercised; which Allowance shall be in full for engrossing Minutes and making up Lists	-	-	-	-	2	2	0
And for each Meeting held by Adjournment to complete the Business of any or either of the Three first or principal Meetings above enumerated, which Allowance shall be in full for engrossing Minutes and making up Lists	-	-	-	-	1	5	0
And for each Meeting which shall have been summoned, but which is necessarily postponed by the Subdivision Clerk in consequence of the Absence of the Deputy Lieutenant	-	-	-	-	0	15	0
16. For filling up printed Precepts to the Chief or High Constables in England and Wales, including the Tower Hamlets and Stannaries of Cornwall and Devon, to give Notice of the Number of Men apportioned to serve for each Parish, and to issue out their Orders to the Petty Constables to serve Notices upon ballotted Men, each Precept	-	-	-	-	0	0	6
And for filling up printed Precepts to the Schoolmasters, Chief Constables, or other Officers in Scotland, for the Performance of similar Duty, each Precept	-	-	-	-	0	0	6
17. For Trouble in amending the Returns of Persons liable to serve in the Regular Militia, by taking out the Names of all Persons who may appeal, and whose Appeals or Claims of Exemption have been allowed, and inserting the Names of any Persons that have been omitted to be inserted, and	-	-	-	-	-	-	-

in numbering the Returns, and making out the Tickets for the Balloting, after the Rate of Two Pounds for every One thousand Names of Persons returned liable to serve, and so in proportion for a greater or smaller Number of Men - - - - -	£ s. d.
	£2 per 1,000
18. For making out the Annual Abstracts of Lists, Schedule (C.), for the Use of the Clerk of General Meetings, where the original Quota or Appointment of the Subdivision is - 50 Men and under - - - - -	2 2 0
From 51 to 150 Men - - - - -	3 3 0
From 151 to 250 Men - - - - -	4 4 0
From 251 Men and upwards - - - - -	5 5 0
19. For making out fair and true Copies of Lists of Men inrolled for each Subdivision of a County in Great Britain, including the Tower Hamlets and the Stannaries of Cornwall and Devon, for the Use of the Clerk of General Meetings, Schedule (E.), and the Colonel or Commandant of the Regiment of the County; videlicet,	
For a Roll containing 50 Names and under - - - - -	0 5 0
from 51 to 150 Names - - - - -	0 10 0
from 151 to 250 Names - - - - -	0 15 0
from 251 Names and upwards - - - - -	1 0 0
20. For Stationery to the Clerk of a Subdivision furnishing Men towards the Quota of a County, in the following Proportions, videlicet,	
For a Subdivision furnishing 50 Men and under - - - - -	1 10 0
from 51 to 150 Men - - - - -	2 0 0
from 151 to 250 Men - - - - -	2 10 0
from 251 Men and upwards - - - - -	3 0 0
21. For Correspondence, Copyings, et cætera, to the Clerk of a Subdivision furnishing Men towards the Quota of a County in the following Proportions; videlicet,	
For a Subdivision furnishing 50 Men and under - - - - -	2 0 0
from 51 to 150 Men - - - - -	3 0 0
from 151 to 250 Men - - - - -	4 0 0
from 251 Men and upwards - - - - -	5 0 0
22. The actual Amount expended for printing and publishing Advertisements, for Postage, Expresses, and Messengers, to be allowed upon an Account specifying each Article of Postage, and specially certified by the Lieutenantcy, whose Certificate shall state that the same was necessary and actually performed.	
The Charge for printing and publishing Advertisements is invariably to be supported by the Receipt of the Person to whom paid.	
23. For Trouble in apportioning and distributing to the Constables of the several Townships, Parishes, et cætera, within the Limits of the Subdivision, the various Forms of Schedules, et cætera :	
For a Subdivision furnishing 50 Men and under - - - - -	0 5 0
from 51 to 150 Men - - - - -	0 10 0
from 151 to 250 Men - - - - -	0 15 0
from 251 and upwards - - - - -	1 0 0

TRAINING AND EXERCISE.

	£	s.	d.
24. For filling up printed Precepts to the High or Chief Constable in each Subdivision of any County in England and Wales, including the Tower Hamlets and the Stannaries of Cornwall and Devon, to issue out their Warrants to the Petty Constables, Tithingmen, or other Officers within their respective Hundreds, to give Notice in Writing to the Men inrolled to attend the Training and Exercise of the Militia :			
For each Precept containing 50 Names and under	0	5	0
from 51 to 150 Names	0	10	0
from 150 to 250 Names	0	15	0
from 251 Names and upwards	1	0	0
And for filling up printed Precepts to the Chief Constables, and to the Schoolmasters, Constables, or other Officers of the Parishes within the Subdivisions of any County, Stewartry, City, or Place in Scotland, to give Notice in Writing to the Men inrolled to attend the Training and Exercise of the Militia :			
For each Precept containing 10 Names and under	0	0	6
from 11 to 30 Names	0	1	0
from 31 to 50 Names	0	2	6
from 51 to 70 Names	0	4	0
from 71 to 100 Names	0	7	0
from 100 upwards	0	10	0
25. For making out full and true Lists of the Names and Dates of Inrolment of all Persons inrolled within each Subdivision respectively, for the Use of the Commanding Officer and Adjutant of each Regiment, Battalion, or Corps of any County, Stewartry, City, or Place in Great Britain, previously to the Training and Exercise :			
For a Roll containing 20 Names and under	0	2	6
from 21 to 50 Names	0	5	0
from 51 to 150 Names	0	10	0
from 151 to 250 Names	0	15	0
from 251 and upwards	1	0	0
26. For correcting the Books of Inrolment of the Subdivision, so as to correspond accurately with the Extracts from the Adjutant's or other Commanding Officer's Return, Schedule (F.), of the State of the Classes of the Men forming the Quota or Appointment serving in the Regiment, Battalion, or Corps of Militia of any County, Stewartry, City, or Place in Great Britain :			
For a Subdivision furnishing 50 Men and under	0	5	0
from 51 to 150 Men	0	10	0
from 151 to 250 Men	0	15	0
from 251 and upwards	1	0	0

ALLOWANCES TO SCHOOLMASTERS IN SCOTLAND.

27. For filling up and delivering Notices to Householders, for each Day consisting of Eight Hours	0	5	0
28. For making out Lists, for each Folio consisting of Sixty Lines	0	1	0
29. For attending Meetings of Lieutenancy, each Meeting	0	10	0
30. For filling up and delivering Notices to ballotted Men, per Day	0	5	0
31. For Stationery, per Annum	0	5	0

ALLOWANCES TO CONSTABLES IN SCOTLAND.

	£	s.	d.
32. For filling up and delivering Notices to Householders, for each Day consisting of Eight Hours	0	4	0
33. For making out Lists, for each Folio consisting of Sixty Lines	0	1	0
34. For attending each Meeting of Lieutenancy, per Day	0	4	0
35. For filling up and delivering Notices to ballotted and inrolled Men, per Day	0	4	0
36. For Stationery, where the Lists are made out by the Constables, per Annum	0	5	0

SPECIAL CONTINGENT ALLOWANCES applicable to the Clerks of General and Subdivision Meetings of Lieutenancy respectively.

37. When it is necessary to call a Person from a Distance to perform the Duty of a General or Subdivision Clerk, such Person shall have an Allowance for his travelling Expences, not exceeding Nine-pence per Mile, and the Expence of Tolls and Ferry Money; but the Particulars of such Expences shall be specified in a Statement, and certified by the Lieutenancy, and transmitted in support of the Charge in the Clerks Annual Account.
38. The Expence necessarily incurred for the Use of the Room at the Place of Meeting, to be allowed upon the Production of the Receipt of the Person to whom the same may be paid.

CAP. LXIII.

An Act to render valid Indentures of Apprenticeship allowed only by Two Justices acting for the County in which the Parish from which such Apprentices shall be bound, and for the County in which the Parish into which such Apprentices shall be bound, shall be situated; and also for remedying defective Executions of Indentures by Corporations. [28th August 1833.]

56 G. 3. c. 139. **W**HEREAS by an Act passed in the Fifty-sixth Year of the Reign of His late Majesty King George the Third, intituled *An Act to regulate the binding of Parish Apprentices*, it is amongst other things enacted, that in all Cases, where the Residence or Establishment of Business of the Person or Persons to whom any Child shall be bound shall be within a different County or Jurisdiction of the Peace from that within which the Place by the Officers whereof such Child shall be bound shall be situated, and in all other Cases where the Justices of the Peace for the District or Place within which the Place by the Officers whereof such Child shall be bound shall be situated, and who shall sign the Allowance of the Indenture by which such Child shall be bound, shall not have Jurisdiction, every Indenture by which such Child shall be bound, at any Time after the First Day of October therein mentioned, shall be allowed, as well by Two Justices of the Peace for

' for the County or District within which the Place by the Officers
 ' of which such Child shall be bound shall be situated, as by Two
 ' Justices of the Peace for the County or District within which the
 ' Place shall be situated wherein such Child shall be intended to
 ' serve; provided always, that no Indenture shall be allowed by any
 ' Justice of the Peace for the County into which such Child shall
 ' be bound, who shall be engaged in the same Business, Employment,
 ' or Manufacture in which the Person to whom such Child shall be
 ' bound is engaged; and Notice shall be given to the Overseers of
 ' the Poor of the Parish or Place in which such Child shall be
 ' intended to serve an Apprenticeship, before any Justice of the
 ' Peace for the County or District within such Parish or Place shall
 ' be shall allow such Indenture, and such Notice shall be proved
 ' before such Justice shall sign such Indenture, unless one of such
 ' Overseers shall attend such Justice and admit such Notice: And
 ' whereas, in many Instances, Petty Sessions are held weekly in
 ' Market Towns near adjoining the Borders of the County in
 ' which such Market Towns are situate, and the Justices holding
 ' such Petty Sessions act as well for the County adjoining as for
 ' the County where such Petty Sessions are held, and transact the
 ' Business for large Districts in both Counties at such weekly
 ' Petty Sessions on Market Days, to the great Advantage, Con-
 ' venience, and Saving of Expence to the several Parishes and
 ' Villages whose Officers have to attend such Petty Sessions: And
 ' whereas since the passing of the said Act of the Fifty-sixth Year
 ' of the Reign of His late Majesty King *George* the Third numerous
 ' Indentures of Apprenticeship have been allowed by Two Justices
 ' attending and acting at such Petty Sessions for the County within
 ' which the Place by the Officers whereof such Child shall be bound
 ' is situated, and by the same Two Justices acting also as Justices for
 ' the County within which the Place is situated wherein such Child
 ' shall be intended to serve, such Justices conceiving that, as they
 ' were acting Justices for both Counties, they were entitled to allow
 ' such Indenture accordingly: And whereas Doubts have lately
 ' arisen whether the Allowances of such Two Justices, although they
 ' act as Justices for both Counties, are valid and effectual, or whe-
 ' ther it is not necessary that such Indenture should be allowed by
 ' Four Justices, Two acting for one County, and Two for the other
 ' only; and the Settlement of the numerous Persons who have
 ' already served and are now serving under Indentures allowed
 ' by Two Justices acting for both Counties in manner aforesaid
 ' will be set aside, to their manifest Injury:' Be it therefore
 enacted by the King's most Excellent Majesty, by and with the
 Advice and Consent of the Lords Spiritual and Temporal, and
 Commons, in this present Parliament assembled, and by the Au-
 thority of the same, That from and after the passing of this Act all
 Indentures for the binding of Parish Apprentices which have been
 previous to the passing of this Act allowed, and shall hereafter be
 allowed, by Two Justices of the Peace acting as well for the County
 or District within which the Place by the Officers of which such
 Child shall be bound shall be situated, as for the County or District
 within which the Place shall be situated wherein such Child shall
 be intended to serve, shall be deemed and taken to be as good,
 valid, and effectual, to all Intents and Purposes, as if the same had
 been

Indentures
 allowed by Jus-
 tices acting for
 Two Counties
 to be as valid as
 if granted by
 Justices acting
 for different
 Counties.

been allowed by Two Justices of the Peace acting only for the County or District in which the Place from which such Child shall be bound is situated, and also by Two other Justices of the Peace acting only for the County or District within which the Place shall be situated in which such Child shall be intended to serve.

Indentures with
Seal of Corpo-
rations annexed
to be valid.

II. ' And whereas, by divers Acts of Parliament heretofore made and passed, the Directors, Guardians, Acting Guardians, or other Officers of incorporated Hundreds, Parishes, and other Districts are by the said Acts of Parliament respectively authorized to bind poor Children Apprentices in the Manner by the said Acts of Parliament respectively prescribed and directed: And whereas the said Directors, Guardians, Acting Guardians, and other Officers have bound out poor Children Apprentices by Indentures, to which the said Directors, Guardians, Acting Guardians, and other Officers have been, by their Description as Directors, Guardians, Acting Guardians, or other Officers of such incorporated Hundreds, Parishes, and other Districts respectively, made Parties of the one Part, or to which they have, by their said Descriptions respectively, been binding Parties, and which Indentures have been executed by the said Directors, Guardians, Acting Guardians, and other Officers by affixing thereto the Seal of the Corporation of which they are Directors, Guardians, Acting Guardians, and Officers respectively, and in no other Manner by them: And whereas Doubts have been entertained as to the Effect and Validity of Indentures so executed; and it is desirable to remove such Doubts;' be it declared and enacted, That from and after the passing of this Act in all Cases where any Indentures for the binding out poor Children Apprentices have been heretofore or shall be hereafter executed by any Directors, Guardians, Acting Guardians, or other Officers of any Hundreds, Parishes, or other Districts now incorporated or hereafter to be incorporated under and by virtue of any Act of Parliament, by affixing thereto the Seal of the Corporation of which they are or shall be Directors, Guardians, Acting Guardians, or other Officers respectively, such Execution of the said Indentures respectively shall be deemed and taken to be a good, valid, and effectual Execution of the said Indentures respectively by the said Directors, Guardians, Acting Guardians, or other Officers of such incorporated Hundred, Parishes, or other Districts respectively.

Indentures to
be allowed by
Two Justices,
one of them
acting for the
County and one
for the City,
&c.

III. ' And whereas it is expedient that Justices of the Peace in every City, Borough, or Town Corporate should have concurrent Jurisdiction with County Magistrates in apprenticing any Child or Children within the Limits of such City, Borough, or Town Corporate;' be it therefore enacted, That from and after the passing of this Act every Indenture for the binding of Parish Apprentices within any City, Borough, or Town Corporate, shall be allowed by Two Justices of the Peace, one of such Justices acting for and on behalf of the County, and the other of such Justices acting for and on behalf of the City, Borough, or Town Corporate within the Limits of which such Child shall be bound.

This Act not to
set aside Deci-
sions already
come to.

IV. Provided always, and be it further enacted and declared, That nothing in this Act contained shall be construed to affect or set aside any Decision or Judgment made or given in any Court of Judicature respecting any such Indentures.

CAP. LXIV.

An Act to amend an Act of the Second and Third Year of His present Majesty, for regulating the Care and Treatment of Insane Persons in *England*.

[28th August 1833.]

‘ WHEREAS an Act was passed in the Second and Third Year of the Reign of His present Majesty, intituled *An Act for regulating for Three Years, and from thence until the End of the then next Session of Parliament, the Care and Treatment of Insane Persons in England*: And whereas it is expedient that some of the Provisions of the said Act should be amended:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That whensoever the Justices in Session shall, under the Provisions of the said recited Act, appoint a Time and Place for the Visitors to meet for the Purpose of executing the Duties imposed on them by the said Act, every such Appointment shall be made as privately as may be, and in such Manner that no Proprietor or resident Superintendent of any House to be visited shall at any Time have Notice of the Day or Time appointed for the Visitation of such House.

Notice of Meetings of Visitors to be as private as possible.

II. And be it enacted, That the Clerk of the Metropolitan Commissioners in Lunacy shall preserve every Notice and Copy of Order and Medical Certificate transmitted to him when any Patient is received into any House licensed under the said Act, and also every Notice of Death, Removal, or Discharge of any Patient or Patients transmitted to him under the said recited Act or this Act, and that every Clerk of the Peace shall also preserve every Duplicate Copy of Order and Medical Certificate and Notice transmitted to him in every such Case as aforesaid; and that each of them the said Clerk of the said Commissioners and Clerk of the Peace shall, at all Times within Five clear Days next after he shall receive every such Notice or Copy of Order and Medical Certificate as aforesaid, enter in a Register to be provided for that Purpose the Christian and Surname of the Insane Person to whom such Notice or Copy shall relate, and also of the Persons by whose Order and upon whose Medical Certificate or Certificates such Insane Person shall be confined, and the House in which such Insane Person shall be confined, according to the Form directed by the said Act; and if the said Clerk of the said Commissioners and Clerk of the Peace, or either of them, shall omit or neglect any thing by them or him herein-before directed to be done, then each of them so offending shall for every such Omission or Neglect forfeit and pay, on Conviction before any one of His Majesty’s Justices of the Peace, the Sum of Five Pounds.

Clerk of Metropolitan Commissioners and Clerks of the Peace to preserve a Copy of all Orders, Certificates, and Notices.

Penalty for Neglect, 5*l*.

III. And be it enacted, Then whenever any Patient confined in any House licensed under the said recited Act shall be removed or discharged therefrom, or shall die therein, the Proprietor or resident Superintendent of such House shall, within Two clear Days next after such Removal, Discharge, or Death, transmit a written Notice thereof, and (in case the Patient so dying shall be a Parish Pauper

Notice of Deaths or Removals of Patients to be transmitted to Clerk of Metropolitan Commissioners.

Pauper Patient, then) also a Copy of the Statement of the Cause of his or her Death, in the said Act directed to be made, certified and according to the Forms respectively prescribed by the said Act, or as near thereto as may be, to the said Clerk of the said Commissioners, if the House wherein the Patient shall then have died, or from which he shall have been removed or discharged, shall have been licensed by the said Commissioners, but if such House shall have been licensed by the Justices in Sessions, then such Proprietor or resident Superintendent shall transmit one such Notice to the Clerk of the Commissioners, and one other such Notice to the Clerk of the Peace.

All Copies of Orders, Certificates, &c. which have been transmitted to the Clerk of the Metropolitan Commissioners or Clerk of the Peace shall be registered.

IV. And be it enacted, That all Copies of Orders and Medical Certificates, and Notices of Admissions, and also of Removals and Deaths, which have been transmitted to the Clerk of the Metropolitan Commissioners or to any Clerk of the Peace since the Eleventh Day of *August* One thousand eight hundred and thirty-two under the said recited Act, and which have not been registered by the said Clerk of the Metropolitan Commissioners or the said Clerk of the Peace, as the Case may be, shall be registered forthwith by the said Clerk of the Metropolitan Commissioners or Clerk of the Peace, as the Case may require, in the same Manner as in this Act is provided for the Registry of Orders, Medical Certificates, and Notices of Admissions, Removals, and Deaths, hereafter to be transmitted to the said Clerk of the Metropolitan Commissioners and Clerk of the Peace respectively.

Notices of Deaths or Removals, &c. since August 1832, if not already transmitted, shall be forthwith transmitted to Clerk of Metropolitan Commissioners or Clerk of the Peace.

V. And be it enacted, That where any Insane Person shall, since the Eleventh Day of *August* One thousand eight hundred and thirty-two, have died in or been removed from any House licensed under the said Act, and the Proprietor or resident Superintendent thereof shall not have transmitted Notice of such Death or Removal, with a Copy of the Statement of the Causes of Death in every Case where the Insane Person so dying shall have been a Parish Pauper Patient, to the Clerk of the Metropolitan Commissioners, and also, in case such House shall have been licensed by the Justices in Sessions, to the Clerk of the Peace, then and in every such Case such Proprietor or resident Superintendent shall forthwith transmit every such Notice and Copy of Statement so omitted to be sent or transmitted to the Clerk of the Metropolitan Commissioners or Clerk of the Peace, or to the Clerk of the Metropolitan Commissioners and Clerk of the Peace, as the Case may require.

Commissioners, being practising Barristers, to be paid for the Time employed in the Duties of their Office.

VI. And be it enacted, That every Metropolitan Commissioner appointed or to be appointed under the said recited Act, being a practising Barrister, shall be allowed and paid for the Time he shall be employed in executing the Duties of his Office after the same Rate, and in the same Manner, and out of the same Fund or Funds, as by the said Act is provided concerning the Payment or Allowance of Commissioners being Physicians: Provided always, that not more than Two of the said Commissioners at any one Time shall be capable of receiving such Payment or Allowance; and if more than Two of such Commissioners shall be practising Barristers, such Payment or Allowance shall be made to such Two of such Barristers as the Lord Chancellor or the Lord Keeper or Commissioner of the Great Seal of *Great Britain*, or other the Person or Persons for the Time being intrusted by virtue of the

King's

King's Sign Manual with the Care and Commitment of the Custody of the Persons and Estates of Persons found idiot, lunatic, or of unsound Mind, shall direct.

VII. And be it enacted, That every Proprietor and resident Superintendent of any House licensed under the said recited Act who shall knowingly and wilfully neglect to transmit any Notice, Copy of Order, Medical Certificate, or Statement by this Act required to be by him transmitted, shall be deemed guilty of a Misdemeanor; and that all Complaints, Informations, and Prosecutions of and for Offences against this Act shall be made and prosecuted, and all Fines, Penalties, or Forfeitures shall be recovered, levied, and applied, by such Persons and in such and the same Manner respectively as in the said recited Act is provided respectively concerning the Offences against the said Act, and the Fines, Penalties, and Forfeitures thereby imposed; and every Provision whatsoever in the said recited Act contained concerning Actions and Suits commenced and brought against any Person for any thing done in pursuance of the said Act shall be applicable and applied to all Actions and Suits which shall be commenced or brought against any Person for any thing done in pursuance of this Act, as if the same Provisions were here repeated and applied to the said last-mentioned Actions and Suits.

Proprietors, &c. neglecting to comply with this Act to be deemed guilty of a Misdemeanor.

Prosecutions to be carried on and Penalties recovered in the same Manner as under recited Act.

VIII. And be it enacted, That the Provisions in the said recited Act contained concerning the Meaning and Construction of Words and Phrases in the said recited Act shall extend and be applied to the like Words and Phrases in this Act.

Construction of Words.

CAP. LXV.

An Act to enable the Commissioners for executing the Office of Lord High Admiral of the United Kingdom to acquire certain Lands at *Woolwich* in the County of *Kent*, for better securing His Majesty's Docks there, and for the Improvement of the same.

[28th August 1833.]

‘ WHEREAS a certain Wharf situate on the Southern Shore
 ‘ of the River *Thames* at *Woolwich* in the County of *Kent*,
 ‘ to the Westward of His Majesty's Dockyard there, called *Trinity*
 ‘ *Wharf* otherwise *Hardin's Wharf*, and also a certain other Wharf
 ‘ situate to the Westward thereof, and near or adjoining thereto,
 ‘ called *Long's Wharf*, do, by projecting into the River, impede the
 ‘ Current of the Water, and, by producing Eddies and otherwise,
 ‘ form an increasing Bank of Mud on the Shore, to the great Ob-
 ‘ struction of His Majesty's Ships and Vessels having Occasion to
 ‘ lay near to or to enter the Docks and Basin of the said Dockyard,
 ‘ and it is necessary and expedient that such Obstructions should
 ‘ be abated and removed: And whereas, with a view to the Attain-
 ‘ ment of that End, the Commissioners for executing the Office of
 ‘ Lord High Admiral of the United Kingdom have recently pur-
 ‘ chased, in Trust for the King's most Excellent Majesty, His Heirs
 ‘ and Successors, for the Public Service, the aforesaid Wharf called
 ‘ *Trinity Wharf* otherwise *Hardin's Wharf*, with the Buildings
 ‘ thereon, and the Slips for laying Ships and Vessels on each Side
 ‘ of

' of the same Wharf, together with other Lands, Tenements, and
 ' Hereditaments, for the Residue of a certain Term of Ninety-nine
 ' Years from the Twelfth Day of *February* One thousand eight
 ' hundred and ten, granted therein by *John Bowater* Esquire (since
 ' deceased), by an Indenture of Demise, bearing Date the Twenty-
 ' first Day of *February* One thousand eight hundred and ten, at
 ' the yearly Rent of One hundred and eighty-six Pounds: And
 ' whereas, for further and more fully and effectually enabling the
 ' said Commissioners to abate and remove the Obstructions afore-
 ' said, and also for the Improvement of the said Dockyard, and
 ' for the permanent Use and Convenience of His Majesty's Naval
 ' Service, it is necessary that the Freehold and Inheritance expect-
 ' tant on the Determination of the said Term of Ninety-nine Years
 ' of and in the said last-mentioned Wharf and Slips, and also the
 ' immediate Possession of Part of the said Wharf called *Long's*
 ' *Wharf*, and the Inheritance thereof in Fee Simple, should be
 ' acquired for the Public Service from the respective Owners of the
 ' same, and that the said yearly Rent of One hundred and eighty-
 ' six Pounds, or an appropriate Part thereof, should be extin-
 ' guished; but as Difficulties and Delays in attaining these Objects
 ' have arisen and may arise in respect of the Title of Parties claim-
 ' ing Interests in the said Wharfs and Premises, and from various
 ' other Causes, so that a Remedy for such Public Inconvenience
 ' and Obstruction cannot be effected, nor the Purposes aforesaid
 ' accomplished, without the Aid and Authority of Parliament;' be
 it therefore enacted by the King's most Excellent Majesty, by and
 with the Advice and Consent of the Lords Spiritual and Temporal,
 and Commons, in this present Parliament assembled, and by the
 Authority of the same, That the Commissioners for executing the
 Office of Lord High Admiral of the United Kingdom of *Great*
Britain and Ireland for the Time being shall be and they are hereby
 appointed Commissioners for carrying the Purposes of this Act into
 execution, and all Acts, Matters, and Things authorized or necessary
 to be done or executed by the said Commissioners in pursuance of
 this Act may be done and executed by any Two of them, and the
 same shall be as valid and effectual as if done and executed by all
 the said Commissioners.

Appointment of
Commissioners.

Quorum.

Trinity Wharf
and Part of
Long's Wharf
at Woolwich
vested in the
Commissioners,

II. And be it further enacted, That all that and those the said
 Wharf now commonly called or known by the Name or Names of
Trinity Wharf otherwise *Hardin's Wharf*, and the Slips on each
 Side thereof, as the same Premises are described in and demised by
 the said Indenture of the Twenty-first Day of *February* One thou-
 sand eight hundred and ten, together with the Erections and
 Buildings now being thereon, and the Rights, Members, and Ap-
 purtenances to the same Premises belonging, from and after the
 Expiration or other sooner Determination of the said Term of
 Ninety-nine Years, and subject and without Prejudice to the same
 Term and the aforesaid Indenture respectively, and also all that
 Piece or Parcel of Land or Ground, being such Part of the said other
 Wharf called *Long's Wharf* as is or lies to the North of a straight
 Line to be drawn through the same Wharf called *Long's Wharf* in
 continuation of and in the same Direction as the Line formed by
 the River Wall which is now the Boundary next the River *Thames*
 of the said Dockyard at the Western End thereof, such Part of the

same Wharf containing by Admeasurement Two hundred and fifty-three square Yards, be the same more or less, together with all Erections and Buildings thereon, and the Rights, Members, and Appurtenances to the same Piece or Parcel of Land or Ground and Premises belonging, from and immediately after the passing of this Act, shall be and the same are hereby vested in the Commissioners for executing the Office of Lord High Admiral aforesaid, and their Successors the Lord High Admiral or Commissioners for executing the said Office of Lord High Admiral for the Time being, nevertheless to, for, and upon the several Uses, Trusts, Intents, and Purposes herein-after enacted and declared of and concerning the same respectively; that is to say, as to the said Wharf and Hereditaments herein-before firstly described and vested, it is hereby declared and enacted, that the same shall be and the same are hereby so vested in the said Commissioners upon Trust for such Person or Persons as at or immediately before the Time of making this Act was or were the lawful Owner or the several and respective lawful Owners thereof, or had any lawful Estates, Rights, or Interests therein, according to their said several Estates, Rights, and Interests in Possession, Reversion, Remainder, or otherwise, until the Purchase Money or Purchase Monies for the same, which shall be agreed upon or assessed as herein-after mentioned as the true Value thereof, shall be paid; and from and after the Time of such Payment as aforesaid, then, as to such Part of the same Wharf and Hereditaments as is or lies to the Southward of a straight Line to be drawn as herein-before mentioned, to the Use of the Commissioners for executing the Office of Lord High Admiral aforesaid for the Time being, and their Successors in Office, in Fee Simple, in Trust nevertheless for His Majesty, His Heirs and Successors, for the Public Service, to the Intent that the same may thenceforth remain vested in the same Manner as Lands and Hereditaments purchased for the Naval Service are vested by virtue of Two several Acts of Parliament respectively passed in the First and Second Year of the Reign of His late Majesty King George the Fourth, and in the Second Year of the Reign of His present Majesty, intituled respectively *An Act for vesting all Estates and Property occupied by or for the Naval Service of this Kingdom in the principal Officers and Commissioners of His Majesty's Navy, and for granting certain Powers to the said principal Officers and Commissioners*, and *An Act to amend the Laws relating to the Civil Departments of the Navy, and to make other Regulations for more effectually carrying on the Duties of the said Departments*, and to be held and disposed of under the Provisions and Regulations of the same Acts; and as to the remaining Part of the same Wharf and Hereditaments, being the projecting Part thereof which is or lies to the Northward of the straight Line to be drawn as aforesaid, until the Demolition and Removal thereof as herein-after mentioned, to and upon the same Use, Trusts, and Intent as are herein-before lastly enacted and declared concerning the other Part of the same Wharf and Hereditaments; and from and after such Demolition and Removal as aforesaid, to the Use and Intent that the Site thereof, for ever freed and discharged from the said yearly Rent of One hundred and eighty-six Pounds, and every Part of the same, shall thenceforth be and be deemed a Part of the River Thames,

upon Trust, as to Trinity Wharf, for the Owners, &c. until Payment of Purchase Money;

and afterwards, as to such Part as lies to the South of a certain straight Line, to be held in Trust for His Majesty for the Public Service;

1 & 2 G. 4. c. 93.

2 W. 4. c. 40.

and as to the projecting Part, to be held in like Manner, until demolished;

and when demolished, the Site to be laid into and form Part of the River Thames;

and

and as to Long's Wharf, for the Owners, &c. until Possession taken and Payment of Purchase Money and Interest;

and afterwards, until demolished, to be held in Trust for His Majesty for the Public Service;

and when demolished, to the same Use as the Site herein-before described.

Compensation to be made out of the next Aids.

Power to take Possession of so much of the Lands hereby vested as is not in the Possession of the Commissioners, and to demolish certain Parts of the same.

and be laid open and subject to the Flow and Reflow of the Tide, and become common to His Majesty and all His Majesty's Subjects to pass and repass upon and over the same, and shall be under, subject, and liable to the same Jurisdictions, Rights, Powers, Authorities, and Privileges of Control, Superintendence, and Conservancy as the adjacent Parts of the said River and of the Shores thereof are or may be by Law subject and liable to; and as to the said Piece or Parcel of Land or Ground and Hereditaments (Part of the said Wharf called *Long's Wharf*) herein-before secondly described and vested, upon Trust for such Person or Persons as at or immediately before the Time of making this Act was or were the lawful Owner or the several and respective lawful Owners thereof, or had any lawful Estates, Rights, or Interests therein, according to their said several Estates, Rights, and Interests in Possession, Reversion, Remainder, or otherwise, until Possession of the same Land and Hereditaments shall be taken as herein-after mentioned by the said Commissioners hereby appointed, and the Purchase Money or Purchase Monies for the same, together with Interest from the Time of taking Possession after the Rate of Five Pounds *per Centum per Annum* for the Sum or Sums that shall be agreed upon or assessed as herein-after mentioned as the true Value thereof, shall be paid; and from and after the Time of such Possession taken and Payment as aforesaid, then, until the Demolition and Removal thereof as herein-after mentioned, to the Use of the Commissioners for executing the Office of Lord High Admiral aforesaid for the Time being, and their Successors in Office, in Trust for His Majesty, His Heirs and Successors, for the Public Service, as other Lands purchased for the Use of the Naval Department are vested under the Provisions of the before-mentioned Acts of Parliament; and from and after such Demolition and Removal as last, aforesaid, then and from thenceforth to the same Use and Intent as are herein-before enacted and declared concerning the Site of such Part of the said Wharf and Hereditaments herein-before firstly described and vested as is or lies to the Northward of the straight Line to be drawn as aforesaid, from and after such Demolition and Removal thereof, as in the same Enactment is mentioned or referred to.

III. And be it further enacted, That such Compensation and Satisfaction as shall be agreed upon or shall be assessed and awarded as herein-after mentioned, for or in respect of the Lands and Hereditaments hereby vested, or any Estate or Interest therein, shall be made out of the next Aids to be granted by Parliament.

IV. And be it further enacted, That it shall be lawful for the said Commissioners, and their Engineers and other Officers, Workmen, and Servants acting under their Authority, or any of them, from and immediately after the passing of this Act, to enter into and upon and take complete and entire Possession of such Part or Parts of the Lands and Hereditaments hereby vested as shall not then be in the Possession of the said Commissioners; and it shall also be lawful for the same Parties, or any of them, and they are hereby authorized and empowered (notwithstanding no Purchase Monies for the Lands and Hereditaments hereby vested, or any Part thereof, shall then have been agreed upon, or assessed, or paid,) to pull down and entirely demolish and remove so much of the said Wharf called

Trinity Wharf otherwise *Hardin's Wharf*, and the Buildings thereon, hereby vested as aforesaid, as lies to the Northward of the straight Line herein-before mentioned, and also so much of the said Wharf called *Long's Wharf* as is herein-before particularly described and hereby vested as aforesaid, so as to render the Line of the Remainder of the said Wharfs next the Shore of the said River straight and even with that formed by the River Wall of His Majesty's said Dockyard at the Western End thereof; and thereupon they the said Commissioners shall with all convenient Speed, at the Costs and Charges of His Majesty, His Heirs and Successors, build and construct in the aforesaid straight Line along the Remainder of the said Wharf called *Long's Wharf*, and along so much, if any, of the Remainder of the said Wharf called *Trinity Wharf* otherwise *Hardin's Wharf* whereof the Freehold and Inheritance may not be purchased for the Purposes of this Act, a Frontage Wall towards the River, equal in Substance and Quality to the present Frontage thereof respectively, so as to render such Remainder of the same Wharfs fit and serviceable to be used for the Purposes for which such Wharfs respectively now are or lawfully may be used, and to complete the same, and shall at the like Costs and Charges fill in and make good the Ground and Soil up to the said Frontage Walls so to be made as aforesaid, such Wall nevertheless to extend Westward only to the Western End of the said Wharf called *Long's Wharf*, unless the said Commissioners shall think fit further to extend the same; and it shall be lawful for the said Commissioners, if they shall so think fit, at the like Costs and Charges as aforesaid, to build and construct in the aforesaid straight Line along the Space between the Remainder of the said Wharf called *Long's Wharf* and the Remainder of the said Wharf called *Trinity Wharf* otherwise *Hardin's Wharf*, or along any Part of the said Space, a Frontage Wall towards the River, of such Substance and Quality as they shall think proper, and to fill in and make good the Ground and Soil at the Back thereof to the Level of the adjacent Ground: Provided always, that in constructing the said Frontage Wall or Walls it shall be lawful for the said Commissioners, in case they shall deem it expedient so to do, to deviate Southwards in such Manner and to such Extent as they may think proper from the straight Line herein-before specified for the same, with the Consent of the Owners of and Parties interested in the Lands and Hereditaments to be affected by such Deviation, or such Persons or their respective Behalf as are herein-after authorized or capacitated to contract for the Sale of the Lands and Hereditaments hereby vested; any thing in this Act contained to the contrary thereof notwithstanding.

V. ' And whereas it may be expedient for the Use of His Majesty's said Dockyard and the Purposes of this Act that the present Landing Place situate at the Western Extremity of the said Dockyard should be abolished, and that the Way or Passage leading from the said Landing Place into the Road which runs on the Outside of the Western Boundary Wall or Fence of the said Dockyard should be stopped up; ' be it therefore further enacted, That if the said Commissioners, at the Expence of His Majesty, His Heirs or Successors, shall form and construct, at any Spot within the Boundaries of the Wharf or Piece of Ground herein-
[No. 43. Price 2d.] U u before

Commissioners to build a new Frontage Wall, &c. along the Remainder of *Long's Wharf*, and so much as may not be purchased of *Trinity Wharf*, in a straight Line with the River Wall of the Dockyard.

Power to build a Wall in the same Line in the Space between *Trinity Wharf* and *Long's Wharf*.

Power to deviate from such straight Line with Consent of Owners, &c.

In case the Commissioners shall form a new Landing Place, and make a Passage thereto, the Site of the present Landing Place at the Western Extremity shall be discharged from all Right of using the same.

before firstly described and vested, a new Hard or Landing Place fit and proper for all such Purposes for which the said present Landing Place now is or lawfully may be used, and shall set out and make a Way or Passage of not less than Ten Feet in Width from such new Hard or Landing Place into the aforesaid Road to communicate therewith, and shall complete and open the same to the Use of such Persons, if any, as are or may be lawfully entitled to use the said present Landing Place and Way, or Passage thereto, then and from thenceforth the Ground or Soil forming the Site of the said last-mentioned Landing Place and Way or Passage (and which is now vested in the Commissioners for executing the Office of Lord High Admiral aforesaid, in Trust for His Majesty, His Heirs and Successors, for the Naval Department of the Public Service, under the Provisions of the before-mentioned Acts of Parliament) shall be and remain freed and discharged from all public and private Rights and Claims of using or passing over the same, if any such there be.

Power to enter adjoining Lands, and to deposit Materials, &c. for the Purposes of this Act, making Compensation for Damages.

VI. And be it further enacted, That, for effecting any of the Purposes of this Act, it shall be lawful for the said Commissioners, and their Engineers and other Officers, Workmen, and Servants, or any of them, and they are hereby authorized, with Horses, Carts, and Carriages, or otherwise, from Time to Time and at all Times immediately after the passing of this Act, and until the Purposes thereof shall have been completely effected, to enter into and upon all or any of the Lands adjoining the said Lands and Hereditaments hereby vested, and to deposit thereon, or on any Part or Parts thereof, and there to keep, make up, and use, any Materials whatsoever which shall or may be necessary or required for the building, erecting, and constructing the aforesaid Walls, Passage, and Landing Place, or otherwise for carrying into effect all or any of the Purposes of this Act, they the said Commissioners, at the Expence of His Majesty, His Heirs and Successors, making Compensation or Satisfaction to the Person or Persons in whose Occupation any Lands which may be so used shall be, for all Damages to be by them sustained by means thereof, which Compensation or Satisfaction shall and may be agreed for or ascertained and assessed in the same Manner, and under the same Powers and Provisions, so far as the same are or can be made applicable, as are herein-after provided with respect to the Purchase Monies of the Lands and Hereditaments hereby authorized to be purchased.

Commissioners empowered to purchase Lands hereby vested, and Corporations, &c. may contract for the Sale thereof, and also for Compensation or Satisfaction to be made for Damages.

VII. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby authorized and empowered to treat and agree with all or any of the Owners or Proprietors of and Persons interested in or herein-after capacitated to contract and agree for the Sale of the Lands and Hereditaments hereby vested as aforesaid, for the absolute Purchase thereof, and of all Estates and Interests therein, and for the Apportionment of the said yearly Rent of One hundred and eighty-six Pounds, and for the Extinction of the Whole or of a proportionate Part thereof, for such Compensation or Equivalent as herein-after mentioned, and for that Purpose the said Commissioners shall and they are hereby required, within Twenty-one Days next after the Day on which they shall have begun to carry into effect the Powers of this Act, to cause public Notice in Writing, of such Tenor and in such Form as they shall think fit, for ascertaining the Estates, Rights, and

Interests to be purchased or paid for in pursuance of this Act, and the Compensation, Equivalent, or Satisfaction claimed or required for or in respect of the same, and subscribed by them, to be affixed on the principal Door of the Parish Church of *Woolwich* aforesaid, and to be published in the *London Gazette*, and to be given to the Tenants or Occupiers of the said Premises, or affixed on some Part thereof; and it shall be lawful for all Corporations, and for all Tenants for Life or in Tail, or for any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees, or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Committees, and all Trustees and other Persons whomsoever, not only for and on behalf of themselves and their own respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of every Person entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, and all other Persons and Parties having or who shall or may have or be entitled to any Charge, Incumbrance, Claim, or Demand upon the same Lands and Hereditaments, or any Part thereof, depending upon any Contingency or uncertain Event, or which cannot or shall not be ascertained, got in, paid off, or discharged, and as to such Husbands and Guardians, also for and on behalf of their respective Wives and Wards, and as to such Committees, also for and on behalf of the Lunatics and Idiots of whom they shall be the Committees respectively, and as to all such Corporations, Tenants, Trustees, and Feoffees in Trust, Executors, Administrators, and other Persons as aforesaid, also for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons, and for all Femes Covert in the same Manner as if they were sole and unmarried, seised, possessed of, or interested in their own Right, whether in Fee Simple, Fee Tail, or for Life, or otherwise, or entitled to Dower or any other Interest in, and for all other Persons whomsoever who at or immediately before the making of this Act were seised or possessed of or interested in the said Lands and Hereditaments hereby vested, or any of them, or who may be seised or possessed of or interested in any of the other Lands or Hereditaments hereby authorized to be taken or used for the Purposes of this Act, to contract and agree with the said Commissioners for the absolute Sale of all or any of the said Lands and Hereditaments hereby vested as aforesaid, and all Estates and Interests therein, for the Purposes of this Act, and for the Apportionment of the said yearly Rent of One hundred and eighty-six Pounds, and for the Extinguishment of the Whole or of a proportionate Part thereof, and also for the Compensation or Satisfaction to be made for and on account of any Damage or Injury done or sustained, or for any future temporary or perpetual or recurring Damages to be done or sustained by reason or means of the Execution of any of the Works by this Act authorized, or of any of the Powers of this Act, for such Compensation, Equivalent, or Satisfaction in Money, or Lands or other Hereditaments, or any Estate or Interest in Land or Hereditaments, or partly in Money and partly in Land or Hereditaments, or any Estate or Interest in Land or Hereditaments, (and which Compensation, Equivalent, or Satisfaction, so far as regards the said Wharf and Hereditaments herein-before firstly described and vested, may be or include the Surrender or Assignment

of the before-mentioned Lease, or any Part of the Premises therein comprised,) as to the contracting Parties shall seem expedient and reasonable; and all such Contracts and Agreements shall be valid and effectual in the Law to all Intents and Purposes whatsoever, and may be effectuated or confirmed in any Manner which the Forms of Law may admit; and for the Purpose only of every such Contract, Agreement, and Sale, and for preventing any Question or Dispute respecting the Validity thereof, by reason of any Want or Defectiveness of Title in the Party making the same, the Person or Persons who shall have been or shall be in possession of the Lands and Hereditaments hereby vested, or of the Rents and Profits thereof, at the Time from which the Purchase thereof respectively shall take effect, and all Persons claiming under such Persons, or under or consistently with the Possession of such Persons, shall be deemed to have been or to be lawfully entitled to such Lands and Hereditaments according to such Possession.

Manner of proceeding in case the Parties cannot agree, or by Absence, &c. shall be prevented from treating.

VIII. And for settling all Differences which may arise between the said Commissioners and the several Owners and Occupiers of or Persons interested in any of the Lands and Hereditaments which shall or may be taken, used, damaged, or injuriously affected by the Execution of any of the Powers hereby granted, be it further enacted, That if any Corporation, Trustee, or other Person so interested or entitled and capacitated to sell, contract, or agree as aforesaid, shall not agree with the said Commissioners as to the Amount of such Compensation, Equivalent, or Satisfaction as aforesaid, or if any of the Parties entitled to receive such Purchase Money or Satisfaction or other Compensation as aforesaid shall refuse to accept such Purchase Money or Satisfaction or other Compensation aforesaid as shall be offered by the said Commissioners, and shall give Notice thereof in Writing to the said Commissioners within Thirty Days next after such Offer shall have been made, and the Party giving such Notice shall therein request that the Matter in dispute may be submitted to the Determination of a Jury, or if any of such Parties as aforesaid shall for the Space of Thirty Days next after such public Notice as aforesaid shall have been affixed, published, and given, as herein-before mentioned, neglect or refuse to treat, or shall not agree, or by reason of Absence or other Cause shall be prevented from treating with the said Commissioners for the Sale of their respective Estates and Interests in any such Lands or Hereditaments, or the respective Estates and Interests which they respectively are hereby capacitated to sell therein, or shall by reason of any Impediment or Disability not provided for by this Act be incapable of effectually making such Agreement or Sale thereof, or shall not disclose and prove the State of the Title to the Premises of which they respectively may have been in possession at the Time Possession shall have been taken thereof under the Powers of this Act, or which they respectively claim to be entitled unto or interested in, or in any other Case where Agreement for Compensation for Damages incurred in the Execution of this Act cannot be made, or in case any Dispute or Difference shall arise respecting the Apportionment of the said yearly Rent of One hundred and eighty-six Pounds, or the Sum to be paid for the Extinguishment of the Whole or a Proportionate Part thereof, or in case the said Commissioners shall not within the

Period of Three Calendar Months next after the Expiration of such Notice as aforesaid have ascertained to their entire Satisfaction in whom the said Lands and Hereditaments, Estates and Interests, or any of them respectively, were lawfully vested at or immediately before the passing of this Act, or who was or were the Person or Persons entitled or by this Act capacitated to sell, contract, or agree as aforesaid, then and in every such Case the said Commissioners shall and they are hereby required from Time to Time to issue a Warrant under their Hands and the Seal of the Office of Admiralty to the Sheriff of the said County, requiring him to summon, return, and impanel, and the said Sheriff is hereby accordingly empowered and required to summon, return, and impanel, a Jury of not less than Twenty-four sufficient and indifferent Men, qualified according to the Laws of this Realm to serve on Special Juries for Trials of Issues in His Majesty's Courts of Record at *Westminster*; and the Persons so to be summoned, returned, and impanelled are hereby required to appear before the said Sheriff or his Under Sheriff at such Time and Place within the said County as in such Warrant shall be appointed, and to attend from Day to Day until duly discharged; and out of the Persons so to be summoned, returned, and impanelled, or out of such of them as shall appear, a Jury of Twelve Men shall be impanelled by the said Sheriff or Under Sheriff, or by some Person to be by them respectively appointed, in such Manner as Special Juries for Trials of Issues joined in His Majesty's Courts of Record at *Westminster* are by Law directed to be impanelled, and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Sheriff or Under Sheriff is hereby empowered and required to summon before him all Persons who shall be thought necessary to be examined as Witnesses touching the Matters in question, and shall and may use all such other lawful Ways and Means, as well for his own as for the said Jury's better Information, as shall be requisite in the Premises; and such Jury shall upon their Oaths, or being Quakers upon their solemn Affirmations, (which Oaths and solemn Affirmations, as well as the Oaths and solemn Affirmations of all Persons who shall be called upon to give Evidence, the said Sheriff or Under Sheriff is hereby empowered and required to administer,) inquire of and assess and give a Verdict for the true and real Value of such of the said Lands and Hereditaments hereby vested as shall have been taken and used or as shall be required for the Purposes of this Act, or of any Part thereof, or the true and real Value of any Estates or Interests therein which may be the Occasion or Subject of such Inquiry, and shall settle and determine, if thereunto required, the Apportionment of the said Rent, and the Sum to be paid for the Extinguishment of the Whole or a proportionate Part thereof, and also the Sum of Money to be paid by way of Satisfaction or Compensation, either for the Damages which shall before that Time have been done or sustained as aforesaid, or for the future temporary or perpetual or for any recurring Damages which shall have been so done or sustained as aforesaid, and the Cause or Occasion of which shall have been in part only obviated, removed, or repaired by the said Commissioners, and which cannot or will not be further obviated, re-

moved, or repaired by them, which Satisfaction or Compensation for such Damages or Loss shall be inquired into and assessed separately and distinctly from the Value of the Lands and Hereditaments so to be taken or used as aforesaid; and the said Sheriff or Under Sheriff shall accordingly give Judgment for such Purchase Money, Satisfaction, or Compensation, and for such Apportionment as shall be assessed and settled by such Jury, which said Verdict and the Judgment thereon to be pronounced as aforesaid shall be binding and conclusive to all Intents and Purposes upon all Corporations and Persons whatsoever: Provided always, that not less than Forty-two Days Notice in Writing of the Time and Place at which such Jury are so required to be returned shall be given by or on the Part of the said Commissioners to the Party with whom any such Controversy shall arise, by causing the same to be affixed upon the principal Door of the Parish Church of *Woolwich* aforesaid, and to be published in the *London Gazette*, and by leaving such Notice at the Dwelling House of the Person, or the Clerk or Agent or principal Officer of the Corporation, or with some Tenant or Occupier of the Premises intended to be valued, or respecting which or any Damage to which any such Question shall arise, or affixing the same on some Part thereof: Provided also, that in every Proceeding before any such Jury as aforesaid the Party claiming Compensation shall be deemed to be the Plaintiff, and the said Commissioners the Defendants.

In default of Jurors, Sheriff to adjourn the Inquiry until a sufficient Number appear.

IX. And be it further enacted, That in case a sufficient Jury to take the Inquisition shall not appear upon the Return of the said Warrant, it shall be lawful for the said Sheriff or Under Sheriff and he is hereby required, from Time to Time, until a sufficient Jury shall have been obtained by the Means aforesaid, to adjourn the Inquiry to any future Day not exceeding Fourteen Days nor less than Four Days from the Adjournment thereof, and when a sufficient Number of Jurors shall appear he shall proceed to swear and impanel Twelve of them, who shall inquire as aforesaid.

No Person to be heard upon the Inquiry without giving previous Notice of his Claim.

X. And be it further enacted, That no Person shall be heard before the said Sheriff or Under Sheriff and Jury touching the Matter of the Inquiry unless a previous Notice in Writing of Fourteen Days at the least before the taking of such Inquisition shall be given to the said Commissioners or the Solicitor of the Admiralty for the Time being, containing a full and particular Statement and Account of the Nature and Extent of the Estate or Interest in respect whereof such Person shall claim to be heard.

Jury to distinguish the Value of certain Parts of the Premises, and to settle the Proportions to be allowed to the Owners of particular Estates.

XI. And be it further enacted, That the said Jury, at the Time of assessing as aforesaid the true and real Value of the said Lands and Hereditaments, or any Part thereof, shall and they are hereby required to distinguish the Value of the Part hereby vested of the said Wharf called *Long's Wharf*, from the Value of the other Lands and Hereditaments, and shall and they are hereby empowered, if thereunto required, to settle what Shares and Proportions of the Purchase Money or Compensation for Damages which shall be assessed as aforesaid shall be allowed to any Tenant or other Person for any his or her particular Estate, Term, or Interest in the Premises that may be shown to have been or to be existing therein respectively at the Time Possession shall have been taken thereof as aforesaid in the Case of the said Wharf called *Long's Wharf*,
and

and at the Time of the taking of the said Inquisition in the Case of *Trinity Wharf* otherwise *Hardin's Wharf* aforesaid.

XII. Provided always, and be it further enacted, That if and when any Part of the said Rent of One hundred and eighty-six Pounds shall be released or extinguished, by reason of the Purchase of the Land and Hereditaments in respect whereof the same shall have been apportioned, or otherwise, by virtue or in pursuance of this Act, the other Lands, Tenements, and Hereditaments out of or in respect of which, jointly with the Land and Hereditaments so to be purchased, the said Rent is now issuing or payable, shall be chargeable only with the Remainder of such Rent, and with the Arrears, if any, of the Whole of the said Rent.

After Apportionment of Rent, Lands chargeable therewith not purchased to be subject only to the Remainder and Arrears, if any.

XIII. Provided also, and be it further enacted, That all and every the Person or Persons who are or for the Time being shall be entitled to the Reversion expectant on the Term granted by the said Lease shall and may have and use and exercise all the same Rights of Action and Re-entry, and all other Rights and Remedies whatsoever, as against the Residue of the Property comprised in the said Lease which shall or may not be taken or used for the Purposes of this Act, and all Persons whomsoever who are or may be interested therein under the said Lease, for and in respect of any Nonpayment of the said Rent, or any Part thereof to be apportioned or fixed thereon by virtue of this Act, or any Arrears thereof, or for or in respect of any Breach or Nonperformance of any of the Covenants or Conditions contained in the said Lease, and otherwise, to all Intents and Purposes as if the said Lease had been originally granted of such Residue of the said Premises at the said Rent of One hundred and eighty-six Pounds, or at such apportioned Part thereof, if any such Apportionment shall be made, and subject to such Covenants and Conditions applying exclusively to such Residue of the said Premises; and if at the Time of the passing of this Act there shall have accrued and be due any Arrear of the said Rent of One hundred and eighty-six Pounds, the whole Amount thereof shall be chargeable upon such Residue of the same Premises in like Manner as if such Arrear had been originally only charged thereon.

Rights of Action and Re-entry reserved to the Persons entitled to the Reversion expectant on the Lease.

XIV. Provided always, and be it further enacted, That in case no Person shall appear pursuant to such Notice so to be given and affixed as aforesaid, then the said Sheriff or Under Sheriff as aforesaid, and also the said Jury, shall proceed, upon the best Information they can procure or obtain, to make such Inquest and Judgment as herein-before directed; and such Inquest and Judgment shall be final, binding, and conclusive, in like Manner as if all Parties concerned had appeared and been heard upon the making thereof.

In case no Person shall appear pursuant to Notice, Inquest to be taken upon the best Information.

XV. And be it further enacted, That if the Sheriff or Under Sheriff so directed to summon, return, and impanel a Jury, and take such Inquest as aforesaid, shall make default in the Premises, he shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing shall refuse to be sworn or to give his Verdict, or shall in any other Manner wilfully neglect his Duty contrary to the true Intent and Meaning of

Penalties imposed on Sheriff, Jurors, and Witnesses for Neglect of Duty.

How to be
recovered.

Justices may
proceed by
Summons with-
out written
Information.

Witnesses
giving false
Evidence may
be prosecuted.

Punishment.

Inquisitions to
be preserved as
Records, and to
be good Evi-
dence.

Allowances to
Sheriff and
Jurors.

this Act, or if any Person so summoned as a Witness shall not appear, or appearing shall refuse to be examined upon Oath, or upon solemn Affirmation if one of the People called *Quakers*, or to give Evidence, any Person so offending, having no reasonable Excuse to be allowed by the Justices herein-after mentioned, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds; which several and respective Penalties shall and may be levied, by virtue of any Warrant under the Hand and Seal of any One of His Majesty's Justices of the Peace for the County or Place within which the Party so offending shall reside, by Distress and Sale of his Goods and Chattels, returning the Overplus (if any) after such Penalty and the Charges of such Distress and Sale shall have been deducted; and it shall be lawful for such Justice to summon before him the Party complained against, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed in the Recovery of the same, although no Information in Writing or in Print shall have been exhibited before such Justice; and all such Proceedings by Summons without Information in Writing or in Print shall be as valid and effectual to all Intents and Purposes as if an Information in Writing or in Print had been exhibited.

XVI. And be it further enacted, That all Persons who, in any Examination to be taken upon Oath or Affirmation in any Proceeding under this Act, shall wilfully give false Evidence before any such Sheriff or Under Sheriff and Jury as aforesaid, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject and liable to such and the same Pains and Penalties as Persons guilty of wilful and corrupt Perjury may be by the Laws in being subject and liable to.

XVII. And be it further enacted, That the said Inquisitions, Verdicts, and Judgments shall be deposited with the Clerk of the Peace of the said County, to be kept and preserved by him amongst the Records of the Quarter Sessions of the said County, and shall be deemed to be Records to all Intents and Purposes whatsoever; and the same, or true Copies thereof, certified by such Clerk of the Peace for the Time being, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling, and to take or make Copies thereof or Extracts therefrom, paying for every Copy or Extract after the Rate of Sixpence for every One hundred Words.

XVIII. And be it further enacted, That each Juryman who shall be summoned and appear as aforesaid, and be ready to be sworn, shall be allowed his reasonable travelling Expences to and from the Place of meeting; and that each Juryman who shall be sworn shall, in addition thereto, be allowed for his Trouble and Subsistence the Sum of One Pound One Shilling for each Day's Attendance, and no more; and that the Sheriff or Under Sheriff, for summoning, returning, and impannelling the Jury, and taking and recording their Verdict, and the Judgment to be given thereon, shall be allowed the Sum of Ten Pounds and no more, and for his Subsistence the further Sum of One Pound One Shilling for each Day's Attendance, in addition to his reasonable travelling Expences to and from the Place

Place of meeting ; which said respective Allowances, in case of Dispute, shall be determined by Two Justices of the Peace in and for the said County, and shall be paid by the said Commissioners or their Order.

How to be settled and paid.

XIX. And be it further enacted, That every Sum of Money to be agreed upon or assessed as aforesaid for the Purchase of all or any of the said Lands and Hereditaments hereby vested, or of any Estate or Interest therein, together with the Interest thereon after the Rate and from the Time aforesaid, in case any such Interest shall be payable, or for any such Compensation or Satisfaction as herein mentioned (except as herein otherwise provided) shall be paid by the said Commissioners either to the Person or Persons thereunto entitled, or into the Bank of *England*, as herein-after mentioned (as the Case may require), on a clear Title to the Lands or Hereditaments, Estate or Interest in respect whereof the same shall be payable, being deduced and shewn ; or in case no such Title shall be shewn within Two Years after the said Sum of Money shall have been so agreed upon or assessed as aforesaid, then such Money, and the Interest thereof, if any, shall, at the Expiration of the said Two Years, be paid into the Bank of *England*, under the Provision in that Behalf herein-after contained.

Payment of Purchase Money.

XX. And be it further enacted, That in case any Difference shall arise between the said Commissioners and any of the Owners or Occupiers of the Property to be taken or used for the Purposes of this Act as to the Amount or Value of the Damages done by the said Commissioners, their Engineers, Officers, Agents, Servants, or Workmen, to such Property in the Execution of any of the Powers of this Act, and such Difference cannot be adjusted and settled between the said Parties, the same shall be ascertained and determined by some Two or more Justices of the Peace for the said County, who, upon Application made to them by both or either of the said Parties, shall examine into the Matter in dispute, and shall determine and settle the Amount of Compensation which shall be payable by the said Commissioners, provided such Compensation do not exceed the Sum of Twenty Pounds ; and the Sums of Money to be so awarded and settled shall be from Time to Time paid by the said Commissioners on behalf of His Majesty, His Heirs and Successors, within the Space of Ten Days after the same shall have become due.

Differences between Commissioners and Owners as to Damages to be settled by Two Justices.

XXI. Provided always, and be it further enacted, That if any Money shall be agreed or awarded to be paid for the Purchase of any of the Lands and Hereditaments to be taken or used by virtue of the Powers of this Act, or any Estate or Interest therein, or for the Extinguishment of the said Rent or any Part thereof, or for any Compensation or Satisfaction under this Act, which any Corporation, Tenant for Life or in Tail, or Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or any Person or Persons under any other Disability or Incapacity, shall be entitled unto, interested in, or hereby capacitated to sell ; or in case the Lands, Hereditaments, Estate, or Interest, for the Purchase whereof the same shall be agreed or assessed

Application of Compensation Money when exceeding 20l.

Annuities or Securities, or to any Part of such Money, Annuities, Securities, Dividends, or Interest respectively, the Persons who shall have been in possession of such Lands and Hereditaments, or of the Rents and Profits thereof, at the Time from which such Purchase thereof shall take effect, or at the Time when such Damage or Injury shall have occurred, and all Persons claiming under such Persons, or under or consistently with the Possession of such Persons, shall be deemed to have been lawfully entitled to such Lands or Hereditaments according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends or Interest of the Annuities or Securities to be purchased with such Money, and also the Capital of such Annuities or Securities, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the Satisfaction of the said Court that such Possession was a wrongful Possession, and that some and what other Person or Persons was or were lawfully entitled to such or to some and what Part of such Lands or Hereditaments, or to some and what Estate or Interest therein.

Court may order Costs of Petition to be paid by Commissioners.

XXV. Provided also, and be it further enacted, That where the Purchase Money for any Lands or Hereditaments to be taken or used for the Purposes of this Act, or the Money paid for any such Compensation or Satisfaction as aforesaid, shall be paid into the Bank of *England* under or in pursuance of this Act, it shall be lawful for the said Court to order the Costs, Charges, and Expences of and attending any such Petition or Application as aforesaid and the Proceedings to be had thereon, (to be ascertained as between Solicitor and Client, if the said Court shall think fit,) or so much of such Expences as the said Court shall deem reasonable under the Circumstances of the Case, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Commissioners, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Lands given in Exchange to be settled to the same Uses as those for which they are given.

XXVI. Provided also, and be it further enacted, That in case any Lands, Tenements, or Hereditaments shall be agreed to be given by the said Commissioners in or by way of Compensation, Equivalent, or Satisfaction for any of the Lands and Hereditaments to be purchased under the Authority and for the Purposes of this Act, the Lands, Tenements, and Hereditaments so to be given shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands or Hereditaments for or in respect of the Purchase whereof the same shall be given stood settled or limited at or immediately before the passing of this Act, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect.

Power to remove and prevent Obstructions along the Southern Shore of the River within 550 Yards West of Long's Wharf.

XXVII. 'And whereas it is necessary and expedient, for the
' greater Improvement and Security of the Navigation of the said
' River in front of and near to the said Dockyard, to abate and
' prevent such other Embankments or Obstructions which do or
' may tend to impede the free Current of the Water, or to occasion
' any Deposit or Accumulation of Mud or other Matter in front
' of the said Dockyard, as exist or may arise to be occasioned along
' the Southern Bank or Shore of the said River to the Westward
' of the said Dockyard within certain Limits;' be it therefore fur-
ther

ther enacted, That it shall be lawful for the said Commissioners, and their Engineers and other Officers, Workmen, and Servants acting under their Authority, or any of them, at any Time, and from Time to Time at all Times from and after the passing of this Act, to enter into and upon and take possession of, and, with the Consent of the Mayor of the City of *London* for the Time being, as Conservator of the said River, in Writing for that Purpose first had and obtained, to demolish, remove, and lay open to the Flow and Reflow of the River, and to vary or alter the Line, Position, Slope, or Construction of all or any Part or Parts of any Land, River Wall, Breastwork, Embankment, Erection, or Building whatsoever, and to dig, cut, excavate, and remove, and also to embank and fill in, and to deposit, lay, and work, any Stone, Rubble, Grouting, Gravel, or other Materials or Things whatsoever, upon, over, or into any Part or Parts of the Bank or Shore Ground on the Southern Side of the said River, which is or are situate or lying, or which shall or may be made or occasioned or arise, within the Distance of Three hundred and fifty Yards Westwards from the Western Extremity of the said Wharf called *Long's Wharf*, in such Manner as the said Commissioners shall deem necessary or advisable for effecting the Objects and Purposes of the Powers hereby given, they the said Commissioners, their Engineers, Officers, Workmen, and Servants, doing as little Damage as may be in the Execution of the Powers to them by this present Enactment granted, and the said Commissioners, at the Expence of His Majesty, His Heirs and Successors, repairing and making good the Embankment or River Frontage of any Land or River Wall or other Frontage which may be laid open, cut, demolished, or removed, and strengthening, sustaining, and protecting any Embankment, Dike, or Shore Ground that may be weakened, undermined, or endangered, and also making Compensation or Satisfaction to all Persons interested in any Lands or Hereditaments which shall be taken, used, or injured, for all Damages to be by them sustained in or by the Execution of all or any of such last-mentioned Powers: Provided always, that the Powers in this Act granted shall and are hereby declared to be without Prejudice to any other Power or Remedy for the Abatement or Prevention of any Obstruction or Nuisance to the said Navigation within the Limits aforesaid, or for the Punishment of any Offences in relation thereto.

Powers hereby
granted not to
prejudice other
Remedies.

XXVIII. And be it further enacted, That no Action or Suit shall be commenced or brought against any Person or Persons for any thing done in execution or pursuance of this Act until after Twenty-eight Days Notice thereof shall have been given to the Secretary of the Admiralty for the Time being, clearly and explicitly specifying the Cause of Action or Suit, and Name and Place of Abode of the Person or Persons bringing the same, and of his, her, or their Attorney or Agent, nor after a sufficient Compensation or Tender thereof made to the Party aggrieved, nor after Three Calendar Months next after the Fact committed; and every such Action or Suit shall be laid, brought, and tried in the County of *Kent*, and not elsewhere; and the Defendant or Defendants in every such Action or Suit may, at his, her, or their Election, plead specially or the General Issue, and give this Act or the special Matter in Evidence at any Trial to be had thereupon, and that the

Limitation of
Actions.

same

same was done in the Execution and in putsuance and by the Authority of this Act; and if the same shall appear to be so done, or if such Action or Suit shall be brought before Twenty-eight Days Notice thereof shall have been given as aforesaid, or after sufficient Compensation made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought or laid in any other County than the said County of *Kent*, the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and shall have such Remedy for recovering the same as any Defendant hath for his Costs in any other Cases by Law.

In an Action for any thing done in execution of this Act, if the Court or Judge shall certify that there was reasonable Cause, the Plaintiff shall not be entitled to Costs, &c.

XXIX. And be it further enacted, That in case any Action, Suit, Indictment, or other Prosecution shall be commenced and be brought to Trial against any Person or Persons whomsoever, on account of any Act, Matter, or Thing done in or arising out of the Execution of the Powers given by or otherwise in effecting and completing the Purposes of this Act, wherein a Verdict shall be given against the Defendant or Defendants, if the Court or Judge before whom such Action, Indictment, Suit, or other Prosecution shall be tried shall certify on the Record that there was a reasonable Cause for the doing such Act, Matter, or Thing as aforesaid, then the Plaintiff or Plaintiffs in such Action or Suit shall not be entitled to any Costs, nor shall the Defendant or Defendants in any such Prosecution be subject to a greater Punishment than a Fine of One Shilling.

If any of the Lands hereby vested shall not be required within Five Years, they shall be exempted from the Operation of the Act.

XXX. Provided always, and be it further enacted, That if any Part or Parts of the Wharfs, Lands, and Hereditaments hereinbefore described and vested shall appear to the said Commissioners unnecessary to be purchased, taken, or used for the Purposes of this Act, or if they shall determine not to purchase, take, or use the same, (and they are hereby required to come to some Determination in that Behalf within Five Years next after the passing of this Act,) they shall cause Notice thereof to be published in the *London Gazette*, and then and from thenceforth all such Part or Parts of the same Wharfs, Lands, and Hereditaments shall be forever freed and exempted from the Operation and Provisions of this Act, so far as regards the vesting or Purchase thereof, in the same Manner as if this Act had not been made; any thing herein contained to the contrary thereof in anywise notwithstanding.

Saving the Rights of the Corporation of London.

XXXI. Provided always, and be it further enacted, That nothing in this Act contained shall prejudice or derogate from the Estates, Rights, Privileges, Franchises, Jurisdiction, or Authority of the Mayor and Commonalty and Citizens of the City of *London*, or their Successors, or the Lord Mayor for the Time being, or prohibit, defeat, alter, or diminish any Power, Authority, or Jurisdiction which at the Time of passing this Act the said Mayor and Commonalty and Citizens, or the said Lord Mayor for the Time being as Conservator of the River *Thames*, did or might lawfully claim, use, or exercise, nor authorize or empower the said Commissioners to embank, encroach upon, or interfere with any Part of the Soil

or Bed of the said River, or the Shore thereof, except so far as is herein-before mentioned.

XXXII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others. Public Act.

CAP. LXVI.

An Act to authorize the Commissioners of His Majesty's Treasury to purchase the Duties of Package, Scavage, Balliage, and Portorage belonging to the Corporation of *London*. [28th August 1833.]

‘ **W**HEREAS it is expedient that the Offices, Occupations, or Employments of Package, Scavage, Balliage, and Portorage given, granted, or confirmed by divers Charters of His Majesty King *Edward the Fourth*, and of His Majesty King *Charles the First*, and by an Act of Parliament passed in the Fifth Year of the Reign of His Majesty King *Henry the Eighth*, intituled *An Act ratifying Letters Patent granted to the City of London by King Edward the Fourth*, to and now held and enjoyed by the Mayor and Commonalty and Citizens of the City of *London*, and the Duties, Fees, and Emoluments thereof, should be abolished : And whereas the Mayor, Aldermen, and Commons of the City of *London*, in Common Council assembled, are willing and have consented that the said Offices, and the Duties, Fees, and Emoluments thereof, shall be relinquished and abolished, in consideration of a Sum of Money to be paid to them for the same, and provided they are authorized to lay out and invest the same in the Purchase of Land or other Hereditaments :’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Lord High Treasurer, or the Commissioners of His Majesty’s Treasury, or any Three or more of them, to pay, from and out of all or any of the Duties, Revenues, and Incomes composing the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, or out of the growing Produce of the said Fund, to the Chamberlain of the City of *London*, on behalf of the said Mayor and Commonalty and Citizens, such Sum of Money as may be agreed upon between the said Commissioners and the said Mayor and Commonalty and Citizens as a Compensation or Satisfaction for the said Offices, Occupations, or Employments of Package, Scavage, Balliage, and Portorage, and the Fees and Emoluments thereof, and also to pay, out of the said Fund or the growing Produce thereof, the Costs and Charges in any Manner incident or relating to the preparing and passing this Act.

5 H. 8. c. 16.

Lords of the Treasury authorized, out of the Consolidated Fund, to purchase the Offices or Employments of Package, Scavage, &c.

II. And be it further enacted, That the said Sum to be paid as aforesaid shall be paid and received as a full Satisfaction and Compensation to the said Mayor and Commonalty and Citizens for the Loss of the said Offices, and of the Fees and Emoluments thereof ; and that on the Day after the Day on which the said Sum shall be paid as aforesaid the Offices, Occupations, or Employments of Package, Scavage, Balliage, and Portorage granted or confirmed to the

The Sum paid to be a full Compensation for the Office, and on Payment thereof the Offices to cease.

the said Mayor and Commonalty and Citizens by the said Charters and Act of Parliament, or intended so to be, and the future Duties, Fees, and Emoluments thereof, and all the Estate and Interest of the said Mayor and Commonalty and Citizens, and their Successors, of, in, and to the same, whether they may be entitled thereto respectively by virtue of the said Charters and Act of Parliament or by virtue of any other Charters or Acts of Parliament, or by Prescription or otherwise, and every of them, shall cease and determine and be utterly void to all Intents and Purposes whatsoever.

III. Provided always, and be it further enacted, That nothing in this Act contained shall abridge, prejudice, or otherwise affect, or be deemed or construed to abridge, prejudice, or otherwise affect, any of the Rights of the said Mayor and Commonalty and Citizens of the City of *London*, to which they are or may be entitled under or by virtue of the aforesaid Charters or Act of Parliament, or otherwise, to have and exercise any of the Offices or Employments granted or confirmed to the said Mayor and Commonalty and Citizens by the aforesaid Charters or Act of Parliament, except the said Offices or Employments of Package, Scavage, Balliage, and Portorage, or any of them, or to receive and enjoy the Duties, Fees, Profits, and Emoluments to such Offices or any of them (except as aforesaid) belonging or appertaining, or any other Rights or Privileges to which the said Mayor and Commonalty and Citizens are entitled; but that the same shall be and continue in full Force and Virtue, and may be enforced and recovered by the same Remedies, and claimed or pleaded in the same Manner, as if this Act had not been passed.

IV. And be it further enacted, That it shall be lawful for the Mayor, Aldermen, and Commons of the City of *London*, in Common Council assembled, and they are hereby empowered, to lay out and invest the said Sum, to be paid as aforesaid, in the Name of the said Mayor and Commonalty and Citizens, in the Purchase of any Lands, Tenements, or Hereditaments, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain.

V. And be it further enacted, That it shall be lawful for the said Mayor, Aldermen, and Commons, in Common Council assembled, if they shall think proper, with the Approbation of the Lord High Treasurer for the Time being, or Three or more of the Commissioners of His Majesty's Treasury, (to be testified by some Writing under his or their Hands,) to lay out all or any Part of the said Sum in the Purchase of any of the Ground Rents reserved, and of the Reversion and Inheritance in Fee Simple of the Houses and Buildings, Pieces or Parcels of Ground, comprised in any Leases or Demises made or to be made by the Mayor and Commonalty and Citizens of the City of *London*, by virtue of the Powers for that Purpose contained or referred to in an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the rebuilding of London Bridge, and for improving and making suitable Approaches thereto*, and in Acts of Parliament passed in the Seventh and Eighth and the Tenth Years of the Reign of His said Majesty King *George* the Fourth, and in the First and Second Years of the Reign of His present Majesty, relating to *London Bridge* and the Approaches thereto, or any of them; and which Ground Rents and Reversions and Inher-

tances

Not to affect
the Right of
the Corporation
of London to
other Offices.

The Corpora-
tion may lay out
the Money in the
Purchase of
Land.

Corporation
may lay out the
Money in the
Purchase of
Ground Rents,
&c. under
4 G. 4. c. 50.
7 & 8 G. 4.
c. 30.
10 G. 4. c. 136.
1 W. 4. c. 3.
and 2 W. 4. c. 23.

tances the said Mayor, Aldermen, and Commons, in Common Council assembled, are authorized and empowered to sell and dispose of by the said Acts respectively; and such Price or Prices, or Sum or Sums of Money, shall be paid, with or out of the said Sum, for such Ground Rents, Reversions, and Inheritances respectively as the said Lord High Treasurer, or Three or more Commissioners of His Majesty's Treasury, shall think reasonable; and upon Payment of such Price or Prices, or Sum or Sums of Money, by the Chamberlain of the said City of *London*, in like Manner as the same would be payable in pursuance of the said Acts respectively if any other Body Corporate or Person or Persons had been the Purchaser or Purchasers of the same Ground Rents, Reversions, and Inheritances, the said Mayor and Commonalty and Citizens shall and they are hereby empowered to convey the Pieces or Parcels of Ground so purchased, with the Houses, Erections, and Buildings then erected and built thereon, and the Fee Simple and Inheritance thereof, with the Appurtenances, to any Person or Persons, and his or their Heirs, to the Use of the said Mayor and Commonalty and Citizens, their Successors and Assigns for ever, free from all Incumbrances (except the Building Leases granted or to be granted thereof respectively as aforesaid); and all such Conveyances shall be adjudged sufficient to vest the Pieces or Parcels of Ground and Premises thereby conveyed, with the Appurtenances and the Fee Simple and Inheritance thereof, in the said Mayor and Commonalty and Citizens, for their proper Use and Benefit, free from all Incumbrances (except the said Building Leases thereof) and from all Trusts and other Claims and Demands whatsoever.

CAP. LXVII.

An Act to amend an Act of the Second Year of His present Majesty, for the Uniformity of Process in Personal Actions in His Majesty's Courts of Law at *Westminster*. [28th August 1833.]

‘ **W**HEREAS by an Act passed in the Second Year of His Majesty's Reign, intituled *An Act for Uniformity of Process in Personal Actions in His Majesty's Courts of Law at Westminster*, it is enacted, that the Process in certain Actions therein mentioned shall be according to the Form contained in a Schedule to the said Act annexed, and shall be called a Writ of Summons, and that such Writ shall be issued by the Officer of the said Courts respectively by whom Process serviceable in the County therein mentioned hath been heretofore issued from such Court: And whereas since the Commencement of the said Act the Writ of Summons, and other Writs mentioned therein, issued into the County of *Middlesex*, have been issued, signed, and sealed by the Signer of the Bills of *Middlesex* in the King's Bench, whilst such Writs into all other Counties and Cities have been issued and signed by a different Officer, and have been sealed by the Sealer of the Writs, under and by virtue of an Order of the Judges of the said Court: And whereas it is expedient that all Writs issued into the County of *Middlesex* from the Court of King's Bench should be signed and sealed by the

2 W. 4. c. 39.

‘ same

[No. 44. *Price 2d.*] X x

Part of recited
Act repealed.

Writs of Sum-
mons, Dis-
tringas, &c.
issued into
Middlesex, to
be signed and
Fees accounted
for in like
Manner as
Writs under
recited Act.

Teste and
Return of cer-
tain Writs.

‘ same Persons and in like Manner as all other Writs issued from
‘ the said Court into other Counties and Cities:’ Be it therefore
enacted by the King’s most Excellent Majesty, by and with the
Advice and Consent of the Lords, Spiritual and Temporal, and
Commons, in this present Parliament assembled, and by the Autho-
rity of the same, That so much of the said Act passed in the
Second Year of His Majesty’s Reign as provides that the Writ of
Summons therein mentioned shall be issued by the Officer of the
said Courts respectively by whom Process serviceable in the County
therein mentioned hath been heretofore issued from such Court,
shall be and the same is hereby repealed; and that from and after
the passing of this Act all Writs of Summons, Distringas, Capias,
and Detainer, issued into the County of *Middlesex* from the Court
of King’s Bench, shall be signed, sealed, and issued, and the Fees
thereon shall be taken and accounted for, by the same Person or
Persons and in like Manner as all other Writs of Summons, Dis-
tringas, Capias, or Detainer issued from the said Court of King’s
Bench under and by virtue of the said recited Act; any Law,
Custom, or Usage to the contrary notwithstanding.

II. ‘ And whereas by the existing Law, and the Practice of the
‘ said Courts of Common Law, Actions may be brought and Issues
‘ proceed to Trial and final Judgment, in Vacation, notwithstanding
‘ the Cause of Action may have arisen subsequent to the then
‘ preceding Term, and Jury Process of Writs of Execution are
‘ now by Law tested in Term Time only;’ be it therefore enacted,
That from and after the passing of this Act the Writ of Venire
facias juratores may be tested on the Day on which the same shall
be issued, and be made returnable forthwith, and that the Writ of
Distringas juratores or Habeas corpora juratorum may be tested
in Term or Vacation on a Day subsequent to the Teste of the Writ
Venire facias juratores, and that all Writs of Execution may be
tested on the Day which the same are issued, and be made returnable
immediately after Execution thereof: Provided always, that when
any Trial is to be had at Bar, the Writ of Venire facias juratores
shall be made returnable as heretofore.

CAP. LXVIII.

See 213/4c 79

An Act to amend the Laws relating to the Sale of Wine,
Spirits, Beer, and Cider by Retail in *Ireland*.

[28th August 1833.]

6 G. 4. c. 81.

‘ **W**HEREAS by an Act passed in the Sixth Year of the Reign
‘ of His late Majesty King *George* the Fourth, intituled *An*
‘ Act to repeal the several Duties payable on Excise Licences in
‘ Great Britain and Ireland, and to impose other Duties in lieu
‘ thereof, and to amend the Law for granting Excise Licences, it is
‘ amongst other things enacted, that no Excise Licence shall be
‘ granted under or by Authority of that Act for the Sale of any
‘ Beer, Cider, or Perry by Retail, to be drank or consumed in
‘ the House or Premises of the Person or Persons applying for
‘ such Licence, to any Person or Persons who shall not produce,
‘ at the Time of applying for such Licence, a Certificate or Autho-
‘ rity then in force, to him, her, or them in that Behalf granted in
‘ due Form of Law by Justices of the Peace or Magistrates, or
‘ other

‘ other competent Persons, for such Person or Persons applying
 ‘ for such Licence to keep a common Inn, Alehouse, or Victualling
 ‘ House; and any Licence granted to any other Person than afore-
 ‘ said is declared to be null and void: And whereas the Laws for
 ‘ granting such Certificate or Authority by the Justices of the Peace
 ‘ and Magistrates in *Ireland* have become confused, doubtful, and
 ‘ complicated, and the requiring the said Certificate or Authority
 ‘ imposes great Difficulties and Hardships on Persons applying to
 ‘ be so licensed, and it is expedient to amend the said Laws, and
 ‘ to authorize the proper Officers of Excise in *Ireland* to grant such
 ‘ Licences as aforesaid to the same Persons and at or for the same
 ‘ Houses as shall have been licensed in the Year last immediately
 ‘ preceding, without requiring the Production of any such Certi-
 ‘ ficate or Authority: And whereas the Laws for regulating the
 ‘ Conduct of Persons licensed to sell Wine, Spirits, Beer, Ale, and
 ‘ Cider by Retail in *Ireland*, to be drank or consumed on the
 ‘ Premises, have become very numerous and complicated, and it
 ‘ would greatly tend to the public Benefit to amend and simplify
 ‘ the same, and for that Purpose to collect into One Act the several
 ‘ Regulations and Provisions thereof:’ Be it therefore enacted by
 the King’s most Excellent Majesty, by and with the Advice and
 Consent of the Lords Spiritual and Temporal, and Commons, in
 this present Parliament assembled, and by the Authority of the
 same, That from and after the Tenth Day of *October* One thousand
 eight hundred and thirty-three it shall and may be lawful for the
 proper Officers of Excise in *Ireland* to grant to the same Persons
 and at and for the same Houses as shall have been licensed in the
 Year last immediately preceding, and whose Licence shall not have
 been withdrawn or annulled, upon the Production of a Certificate
 signed by Six Householdors of the Parish (Two of them being
 Residents of the same or next adjoining Townland, or Street if in
 a City or Town, in which such House is situate,) to the good Cha-
 racter of the Applicant, and to the peaceable and orderly Manner
 in which said House has been conducted in the past Year, a Licence
 or Licences for the Sale of Beer, Cider, and Spirits, under the
 Provisions of the said recited Act, to sell in *Ireland* by Retail,
 in any House specified in such Licence, Beer, Cider, and Spirits
 respectively to be consumed in such House, without requiring the
 Production of any Certificate or other Authority from any Justice
 or Justices of the Peace, Magistrate, or other Person or Persons
 whatever, on the Persons respectively applying for such Licences
 complying with the Conditions of this Act; any thing in any Act
 or Acts heretofore made or in force at the Time of the passing of
 this Act to the contrary in anywise notwithstanding.

II. And in lieu of the Provisions now or heretofore in force
 for regulating Applications to Justices in order to obtain Licences
 for the Sale of Beer, Cider, or Spirits by Retail; be it further
 enacted, That henceforward every Person in *Ireland* who shall not
 have been duly licensed in the preceding Year to sell Beer, Cider,
 or Spirits, to be consumed in the House where sold, and who shall
 intend to apply for an Excise Licence, under the Provisions of
 this Act and of the said recited Act, for the Sale of Beer, Cider,
 or Spirits by Retail, to be consumed as aforesaid, shall, Twenty-
 one Days at least before the first Day of the then next General

The proper
 Officer of Ex-
 cise shall grant
 Licences to
 Persons licensed
 in the Year
 preceding, upon
 Production of a
 Certificate of
 good Character,
 without any
 Authority from
 Justices of the
 Peace.

Notice to be
 given to Two
 Magistrates, to
 the Church-
 wardens, and to
 Clerk of the
 Peace, 21 Days
 before Applica-
 tion is made to
 the Sessions, by
 any Person not
 before licensed,
 stating Particu-

lars of Situation,
&c., with Names
of Sureties.

Sessions of the Peace to be held for the District within which the House for which such Person shall desire to be licensed shall be situate, give or cause to be given to each of the Two next resident Magistrates, and to each of the Churchwardens of the Parish or Union wherein such House shall be situate, and to the Clerk of the Peace for the County or County of a City or County of a Town in which such House shall be situate, severally and respectively, a Notice in Writing, signed by such Person, stating the Intention of such Person to make such Application, and setting forth the Situation and Place of such House, as well in respect to the Road or Highway on or adjacent to which it lies, or otherwise, in a true and particular Manner, specifying the Town, Townland, Parish, Barony, Half Barony, and if in a City or Town the Street, Square, Lane, or other Description of Place, together with the Number of such House if such House shall have been numbered, and also the Place of Abode of such Person, and the Names and Places of Abode of the Persons whom such Person requiring such Licence proposes as Sureties; and such Churchwardens shall cause a Copy of every such Notice to be posted upon the principal and most usual Place for posting Notices within or for such Parish or Union; and every such Clerk of the Peace shall file and keep such Notice given to him, and shall, Ten Days at the least previous to such Quarter Sessions of the Peace, make out a List of the Names of all such Applicants, with their Place of Abode, and the Situation and Description, as contained in such Notice, of the House for which such Person shall desire to be licensed, and the Names and Places of Abode of the Persons proposed as Sureties for each such Person requiring such Licence, and transmit a Copy of such List to every Magistrate resident within such City or Town, and to the Clerk of every Petty Sessions within such County.

Clerk of the
Peace shall, Ten
Days before
Sessions, make
out a List of
Applicants and
their Sureties,
and transmit the
same to the
Magistrates.

A Day and
Hour during
Sessions to be
fixed for calling
out Names of
Applicants, &c.

III. And be it further enacted, That upon a certain Day and Hour during such ensuing Quarter Sessions, to be fixed by Rule of said Court, the Names of all such Applicants, together with their Places of Abode, shall be severally called aloud, in alphabetical Order, in open Court, by the Officer of said Court, and Proclamation made of each such Application, and Demand made whether any one has or knows of any Objection to or why such Application should not be allowed or Licence granted.

Certain Persons
authorized to
object to
Licences.

IV. And be it further enacted, That it shall and may be lawful for any Justice of the Peace of said City, Town, or County, Churchwarden or other Inhabitant of said Parish, previously to transmit or then and there to deliver in Writing to said Clerk of the Peace, or orally to state to said Justices in Sessions assembled, any Matter or Objection to such Application, whether grounded upon the Character, Misconduct, or Unfitness of the Applicant, Unfitness or Inconvenience of the House or Place, or Number of previously licensed Houses in the Neighbourhood; and that if any such Objection shall be so transmitted or made, an Entry thereof shall then be recorded by the Clerk of the Peace; and the Justices in such Sessions assembled shall then, or at some other convenient Time to be appointed, proceed to consider, examine into, and adjudicate upon the Truth, Sufficiency, and Validity of such Objection, and for that Purpose to examine on Oath such Applicant or other Person as they may deem fit; and if such Justices shall be

Justices shall
examine into
Objections
made to the
granting of
Licences, and
adjudicate
thereupon.

thereupon satisfied of the Truth and Sufficiency of such Objection, and shall deem it improper to intrust such Applicant with a Licence for such House, they shall, by Order in Writing to be duly entered by the Clerk of the Peace, prohibit such Licence to be issued, and therein declare the Reason or Ground of such Prohibition.

V. And be it further enacted, That upon each Application being disposed of by the Justices attending at such Sessions it shall be lawful for the Clerk of the Peace or his Deputy, and he is hereby required, to give or cause to be given to the Person entitled thereto a Certificate in the Form following :

Clerk of the Peace shall deliver Certificates to the Persons entitled thereto.

‘ I *A.B.*, Clerk of the Peace of _____ do certify,
 ‘ That *C.D.* is [*or C.D. and E.F. are*] duly entitled to receive
 ‘ a Licence for the Sale of Beer, Cider, or Spirits [*as the Case may*
 ‘ *be*] by Retail at _____ in the Parish of _____
 ‘ [*or if extra-parochial*, in the Townland of _____],
 ‘ in this County [*County of a Town or City, as the Case may be*].
 ‘ Dated this _____ Day of _____

‘ *A.B.* Clerk of the Peace for _____

And every such Clerk of the Peace shall for the issuing of such Certificate be entitled to demand and receive the Sum of Two Shillings and Sixpence, and no more, as a Fee, before he shall sign or deliver such Certificate.

VI. And be it further enacted, That it shall and may be lawful for the proper Officers of Excise in *Ireland*, within their respective Districts, to grant, under the Provisions of the said recited Act, a Licence or Licences for the Sale of Beer, Cider, and Spirits, to sell in *Ireland* by Retail, in any House specified in such Licence, Beer, Cider, and Spirits respectively, to be consumed in such House or elsewhere, to any Person, though not licensed the Year preceding, whom the Justices of the Peace for the City, Town, County, or District within which such House is situate, in Quarter Sessions assembled as herein-before provided, shall not deem it improper to intrust with such Licence, and to whom they shall not, by Order there made, prohibit such Licence to be issued, upon the Person applying for such Licence producing such Certificate as aforesaid to such Officer of Excise, and complying with the other Conditions of this Act, and upon the Execution by such Person and his Sureties of the Bond hereinafter mentioned, such Person first paying for such Licence or Licences the Duties of Excise for and in respect of such Licence or Licences, according to the Rate and in the Manner prescribed by the said recited Act, or any other Act or Acts then in force with respect to such Licences.

Licences may be granted to Persons not previously licensed, who shall produce a Certificate and pay the Licence Duty.

VII. And be it further enacted, That it shall not be lawful for any Collector or Supervisor of Excise to grant or deliver any such Licence as aforesaid, unless the Person applying for the same shall enter into a Bond to His Majesty, His Heirs and Successors, in the Sum of Fifty Pounds, with Two sufficient Sureties in the Sum of Twenty-five Pounds each, if such Person shall apply for a Licence to sell Spirits, as well as a Licence to sell Beer and Cider, in any House situate in any Part of the County of the City of *Dublin* or County of *Dublin* which lies within the Circular Road, and in the Sum of Twenty-five Pounds, with Two sufficient Sureties in the Sum of Ten Pounds each, if such Person shall apply for

Party requiring a Licence shall enter into a Bond, with Sureties for Payment of Penalties.

*100 sh/100 lb
 5/9 10/6 64*

a Licence to sell Spirits in any other Part of *Ireland*, such Sureties to be the Persons named in the Application of the Party requiring the Licence; and such Bond shall be executed by such Person and his Sureties, and be conditioned for the Payment, by such Person or his Sureties, of all Penalties or Sums of Money which shall be incurred or become due for any Offence against this Act by the Person to whom such Licence shall be granted.

Magistrates may annul Licences held by Persons convicted of Misdemeanor or of Offences of a higher Nature.

VIII. And be it further enacted, That if any Person licensed to sell Beer, Cider, or Spirits by Retail shall, during the Continuance of such Licence or Licences, be convicted of any Misdemeanor, or of any Offence of a higher Nature, or shall be duly convicted of any Three several Offences under the Provisions of this Act or any of them, which Three Offences shall have been committed within the Space of Two Months, then and in every such Case it shall and may be lawful for the Justices of the Peace within whose Jurisdiction such Person shall be licensed to sell Spirits or Beer, assembled at any Quarter Sessions or Adjournment thereof, if they shall so think fit, by Order in open Court made upon due Notice, to annul the Licence held by such Person; and if any such Person whose Licence or Licences shall be so annulled, and on whom a Notice shall have been served of the same being annulled, signed by the said Magistrates or any Two of them, shall sell by Retail any Spirits or Beer, every such Person shall be subject to the same Penalties as Persons selling Beer, Cider, or Spirits without having obtained a Licence for that Purpose are by Law liable.

Persons licensed to sell Spirits and Beer shall be entitled to a Licence to sell Wine.

IX. And be it further enacted, That every Person licensed under this Act to sell Beer, Cider, and Spirits by Retail shall, so long as he shall continue so licensed, be entitled to take out a Licence to sell Foreign Wine by Retail in the same House or Premises in which he shall be licensed to sell Beer, Cider, and Spirits, without entering into any further or additional Bond.

Persons obtaining Licences shall enter their Names with the Clerk of the Peace.

X. And be it further enacted, That every Person who shall obtain a Licence to sell Spirits, Beer, or Cider by Retail, to be consumed in the House where sold, shall, within Six Days next after he shall have so obtained such Licence, deliver or cause to be delivered to the Clerk of the Peace for the County, City, or Town within which the House specified in such Licence shall be situate, a Note in Writing, under the Hand of such Person, or under the Hand of some Person by him authorized in that Behalf, in which shall be specified, set forth, and inserted the Christian and Surname and Place of Abode of such Person, and a Description of the House and Premises in which Spirits, Beer, or Cider are licensed to be sold by such Person, and the Place where such House and Premises shall be situate, together with the Christian Name and Surname and the Occupation or Profession and actual Residence of each of the Persons who shall have become Sureties for such licensed Person; and such licensed Person shall pay or cause to be paid to such Clerk of the Peace the Sum of Two Shillings and Sixpence; and if any Person who shall have obtained such Licence as aforesaid shall not, within the Time and in the Manner hereinbefore directed, deliver or cause to be delivered such Note in Writing as aforesaid, every such Person shall forfeit and lose the Sum of Ten Pounds.

XI. And be it further enacted, That a List or Register of every Licence so to be granted for selling by Retail any Beer, Cider, or Perry, or Spirits, to be drank or consumed on the Premises, specifying the Name and Place of Abode of every Person licensed, and of each of his Sureties, and the Description and Situation of the House or Place mentioned in such Licence, shall be kept at the Office of the Clerk of the Peace for the County, County of a City, or County of a Town, as the Case may be, which List or Register shall at all reasonable Times be produced to and shall be open to the Inspection and Perusal of every Magistrate within whose Jurisdiction the House or Place specified in each Licence respectively shall be situate; and any Copy of or Extract from any such List or Register, which shall or may be at any Time required by any such Magistrate as aforesaid, shall be given to him by such Clerk of the Peace.

Register of
Licences to be
kept by the
Clerk of the
Peace.

XII. And be it further enacted, That every Person who shall obtain or renew under this Act a Licence to sell Spirits in any House or Premises situate within the Police District of *Dublin* Metropolis shall, within Ten Days next after he shall have so obtained or renewed such Licence, deliver or cause to be delivered to the Divisional Justices of the Castle Division of the said Police District, or to some Clerk at the Head Office of Police of the said District, a Note in Writing under the Hand of such Person, or some Person by him authorized in that Behalf, in which shall be specified, set forth, and contained the Christian and Surname and Place of Abode of such Person, and the Situation and Description of the House and Premises in which Spirits are licensed to be sold by such Person, together with the Names, Description, and Residence of the existing Sureties for such Person under this Act; and such licensed Person shall pay or cause to be paid to the Receiver of the public Offices in the said Police District of *Dublin* Metropolis the Sum of Ten Shillings; and all Sums so paid to the Receiver shall go in aid of the Funds of the Police District of *Dublin* Metropolis; and if any Person who shall have obtained or renewed a Licence under this Act to sell Beer and Spirits within the said Police District shall not, within the Time and in the Manner herein-before directed, deliver or cause to be delivered such Note in Writing as aforesaid, or shall neglect to pay or cause to be paid the said Sum of Ten Shillings, every such Person shall forfeit and lose the Sum of Two Pounds.

Persons who
obtain Licences
for the Sale of
Spirits within
the Police
District of
Dublin shall
enter their
Names, &c.
at the Head
Police Office,
and pay 10s.
to Receiver of
public Offices,
under a Penalty
of 2*l*.

XIII. And be it further enacted, That no Distiller, Brewer, Rectifier or Compounder of Spirits, Bailiff, Gaoler, Turnkey, Constable, Sheriff, Sub-Sheriff, Sheriff's Officer, Peace Officer, or Keeper of any Turnpike Gate, nor any Person not being a Householder, shall be capable of receiving or holding a Licence to sell Beer, Cider, or Spirits by Retail, to be drank or consumed on the Premises.

No Distiller,
Brewer, Bailiff,
&c. shall hold a
Licence for the
Sale of Beer,
&c.

XIV. And be it further enacted, That no Person selling or licensed to sell Beer or Cider, Spirits or Wine, by Retail, to be drank or consumed on the Premises, shall have or keep his House or other Place of Sale open for the Sale of Spirits, Wine, or Beer, nor shall sell or retail Spirits, Wine, or Beer, nor shall suffer any Spirits, Wine, or Beer to be drank or consumed in or at such

Retailers
Houses shall
not be open for
the Sale of
Spirits between
1*1* at Night and
7 in the Morn-
ing, nor before
Two in the

Afternoon on
Sundays, Christmas
Mas Day, or
Good Friday.

House or other Place, at any Time between the Hours of Eleven of the Clock in the Night and Seven of the Clock in the Morning, nor at any Time before Two of the Clock in the Afternoon on any *Sunday, Good Friday, Christmas Day*, or any Day appointed for a Public Fast or Thanksgiving; and if any such Person shall keep his House or other Place of Sale open for selling or shall sell Spirits, Wine, or Beer at any Time between the Hour of Eleven of the Clock at Night and the Hour of Seven of the Clock in the Morning, or at any Time before Two of the Clock in the Afternoon on any *Sunday, Good Friday, Christmas Day*, or any Day appointed for a Public Fast or Thanksgiving, such Person shall forfeit the Sum of Two Pounds for any such Offence; and every separate Sale shall be deemed a separate Offence, and all Sales on any one Day shall be deemed and considered and may be prosecuted as separate Offences: Provided always, that nothing herein contained shall extend to prohibit the Sale of Spirits, Wine, or Beer to a Traveller.

Exception as to
Travellers.

Justices and
Constables may
enter into any
House in which
Spirits or Beer
is sold, and put
out Persons
tippling or
gaming at pro-
hibited Hours.

Persons not
quitting, or
resisting Jus-
tices, &c. may
be apprehended.

XV. And be it further enacted, That it shall and may be lawful for any Justice of the Peace, or for any Chief Constable, or for any Churchwarden or Overseer herein-after mentioned, or for any Constable authorized for the Purpose by any such Justice, within the Limits of his Jurisdiction, to enter into any House or Place kept by any Person selling or having a Licence to sell Spirits, Wine, or Beer by Retail, at any Time between the Hours of Eleven of the Clock on *Saturday* Night and Two of the Clock in the Afternoon of *Sunday*, or between the Hours of Eleven of the Clock on any other Night and Seven of the Clock in the Morning, and to remove from and put out of such House or Place any Person who shall be so found within such prohibited Hours in such House or Place (not being a Lodger or Inmate of such House or Place), and who shall appear to be or to have recently been drinking, tippling, or gaming therein; and that if any such Person shall not, when thereto required by such Justice of the Peace, Chief or other Constable, Churchwarden, or Overseer as aforesaid, remove from and quit such House, or shall forcibly resist such Justice, Constable, Churchwarden, or Overseer, it shall and may be lawful for any Constable, Churchwarden, or Overseer to apprehend and take into Custody any such Person so offending, and to carry and convey, or cause to be carried and conveyed, every and any such Person so apprehended before any Justice of the Peace within whose Jurisdiction such House or Place shall be situate, to be dealt with according to Law; and every such Person who shall so neglect or refuse to remove from or quit such House, or shall so forcibly resist such Justice, Constable, Churchwarden, or Overseer, being duly convicted of such Offence, shall thereupon for every such Offence forfeit any Sum not exceeding Twenty Shillings nor less than Five Shillings; and if any Offender so convicted shall not forthwith pay the Sum so forfeited, such Offender shall be committed to the House of Correction for any Time not exceeding One Week.

If a Soldier
offends, Justice
to communicate
the same to the
Commanding
Officer.

XVI. And be it enacted, That if any Offender convicted in manner aforesaid shall be a Soldier on Full Pay, and attached to any Regiment in His Majesty's Service stationed or being within the Jurisdiction of such Justice, a Communication of such Conviction shall be forthwith made by such Justice to the Commanding Officer

Officer of such Regiment, and the Offender so convicted shall be detained until delivered over to the Commanding Officer, or his Order, to be amenable to Military Discipline.

XVII. And be it further enacted, That if any Person selling or licensed to sell Spirits, Wine, or Beer by Retail, or any Person aiding or assisting such Retailer, shall prevent or endeavour to prevent, by Threats or Violence or otherwise, any such Justice, or Chief or other Constable, Churchwarden, or Overseer, in that Behalf authorized under this Act, from entering any House or Place, or for searching for any such Person or Persons as aforesaid, or shall assault or otherwise resist any such Justice, or Chief or other Constable, Churchwarden, or Overseer as aforesaid, every such Person so offending shall forfeit and lose a Sum not exceeding the Sum of Ten Pounds.

Penalty on Persons selling Beer, &c. opposing the Entry of Justices, &c. 10l.

XVIII. And be it further enacted, That if any Person selling or licensed to sell Spirits, Wine, or Beer shall for the Space of Ten Minutes after Demand made of Entrance delay or neglect to admit any Justice, or Chief or other Constable, Churchwarden, or Overseer as aforesaid into any House or Place of such Person, for the Purpose of making such Search as aforesaid, such Person so offending shall forfeit and lose a Sum not exceeding the Sum of Two Pounds.

Penalty on Persons refusing to admit Justices, &c. 2l.

XIX. And be it further enacted, That every Person selling or licensed to sell Spirits, Wine, or Beer by Retail, in whose House or Place any Person shall be found to be or to have been recently drinking, tippling, or gaming at any Hour or Time at which the Sale of Spirits or Beer is prohibited by this Act, shall upon Conviction thereof forfeit and pay the Sum of Two Pounds.

Penalty if Persons are found tippling or gaming at prohibited Hours, 2l.

XX. And be it further enacted, That it shall be lawful for the Parishioners of the several Parishes in *Ireland* at Vestry assembled, once in every Year, or oftener if necessary, to appoint such Number of Persons, not exceeding Five, as to them shall seem meet, to be Overseers of Persons and Houses in which Spirits or Beer shall be sold by Retail within every such Parish respectively; and every Overseer so appointed shall have as full and ample Power and Authority for carrying the Provisions of this Act into execution within such Parish as any Constable or other Peace Officer hath or may have by virtue of this Act; and every such Overseer shall for the Purposes of this Act be and be deemed and taken to be a Constable or Peace Officer.

Parishioners in Vestry may appoint Overseers of Public Houses, who shall have the same Power as Peace Officers.

XXI. And be it further enacted, That it shall be lawful for any One Justice acting for any County, City, or Place where any Riot or Tumult shall happen, or for any Two or more Justices where any Riot or Tumult shall be apprehended and expected to take place, to order or direct that every Person selling Spirits or Beer by Retail, and keeping any House or Place for that Purpose, situate within their respective Jurisdictions, and in or near the Place where such Riot or Tumult shall happen or be expected to take place, shall close his House or Place at any Time and for such Length of Time as such Justice or Justices shall order or direct; and every Person to whom such Order shall be given, and who shall keep open such House or other Place in violation of such Order, shall forfeit and lose the Sum of Two Pounds.

Houses to be closed by Order of Justices in case of Riot.

XXII. And

Penalties may
be recovered by
Information
before Justices
of the Peace.

XXII. And be it further enacted, That for the Recovery of any Penalty imposed by this Act (and for the Recovery of which no other Provision is hereby made) an Information may be exhibited by any Person whomsoever before any One or more of His Majesty's Justices of the Peace for the County, City, Town, or Place wherein the Offence shall have been committed or the Person or Persons committing the same shall be found; and such Information shall and may be heard, adjudged, and determined within the District of *Dublin* Metropolis by any Two Divisional Justices in some one of the public Offices therein, and in every other Part of *Ireland* by any Two or more of His Majesty's Justices of the Peace for such County, City, Town, or Place, in Petty Sessions assembled; and any Two or more of such Divisional Justices or Justices of the Peace shall and they are hereby authorized and required, upon such Information having been so exhibited as aforesaid, and upon the Appearance of the Person and Persons against whom such Information shall have been exhibited, or, in default of such Appearance, upon Proof of the Service of such Summons on such Person or Persons as herein-after mentioned, to proceed to the Examination of the Fact or Facts in such Information alleged, and to give Judgment for any such Penalty or Penalties which, upon the due Examination of One or more credible Witness or Witnesses upon Oath (and which Oath the said Justices are hereby authorized and empowered to administer), or upon the voluntary Confession of the Party accused, shall be found to have been incurred, together with the legal Costs of the Conviction; and such Justices respectively shall and they are hereby authorized and required thereupon to award and grant a Warrant or Warrants under their Hands for the due Execution of and carrying into effect as herein-after mentioned such Judgment.

Information to
be laid within
One Month
after Offence,
and Notice
thereof given
within a Week
after.

Parties to be
summoned to
appear.

XXIII. And be it further enacted, That every such Information as aforesaid shall be exhibited within One Calendar Month next after the Offence alleged in such Information shall have been committed; and a Notice in Writing of such Information having been so exhibited shall within One Week after the Exhibition thereof be given to the Person or Persons against whom the same shall have been so exhibited; and the Justice or Justices of the Peace before whom any such Information shall have been exhibited as aforesaid are hereby respectively authorized and required to summon every Person against whom any such Information shall have been exhibited to appear and plead to and to attend the Hearing of such Information at a Time and Place to be stated in such Summons, which Summons shall be served upon every such Person or Persons Two Days at least before the Time appointed in such Summons.

Justices of the
Peace may
mitigate
Penalty.

XXIV. And be it further enacted, That it shall be lawful for such Justice or Justices of the Peace respectively to mitigate any Penalty annexed by this Act to the Offence for which any Information shall have been exhibited before such Justice or Justices respectively, so as such Mitigation shall not in any Case reduce such Penalty to less than One Fourth thereof; and that the Cause of such Mitigation shall be set forth upon such Conviction.

XXV. And

XXV. And be it further enacted, That in case any Person or Persons against whom any Information shall have been exhibited under this Act shall feel aggrieved by the Judgment given thereon, it shall be lawful for such Person or Persons, upon giving such Notice as herein-after mentioned, to appeal therefrom to the Justices assembled at the next General or Quarter Sessions of the Peace; or if there be not One Week between the Time of the Adjudication and the next General Quarter Sessions, then to the General Quarter Sessions of the Peace next after the Expiration of such Week, to be holden in and for the County, City, Town, or Place in which such Judgment so appealed against shall have been given; and it shall be lawful for the Justices of the Peace at such General or Quarter Sessions to hear, adjudge, and finally determine such Appeal; and if upon any such Appeal any Defect in Form shall be found in the Information, or in any Part of the Proceedings thereon or relating thereto, or in the Record thereof, every such Defect of Form shall and may thereupon be rectified and amended by Order of such Justices or the major Part of them assembled at such General or Quarter Sessions, any thing in this or any other Act or Acts of Parliament to the contrary notwithstanding.

Defects of
Form cured
upon Appeal.

XXVI. Provided always, and be it enacted, That no such Appeal as aforesaid shall be allowed unless the Party or Parties Appellant shall, within Forty-eight Hours after the giving of the Judgment appealed against, give Notice in Writing of such Appeal to the Clerk of the Justices or Sessions from whose Judgment such Appeal shall be made, and shall lodge such Notice at the Office or with the Clerk of the Peace at such General or Quarter Sessions as aforesaid respectively by and before whom such Appeal is to be finally adjudged and determined: Provided also, that nothing herein or in any other Act of Parliament contained shall be deemed or construed to deprive any Person or Persons who shall feel aggrieved by any Conviction, Order, or Proceeding made or had under this Act, of the Writ of Certiorari in respect thereof.

No Appeal
allowed unless
Notice thereof
given,

XXVII. And be it enacted, That no Appeal shall stay or prevent the Execution of any Warrant or Process on any Conviction unless the Party convicted shall before the convicting Justice or Justices enter into a Recognizance, with Two sufficient Sureties, in a Sum equal to Double the Amount of the Penalty or Penalties in which the said Party shall have been convicted, and of the Costs awarded, if any, which Recognizance shall be conditioned, that the Party so appealing shall personally appear at the proper General Quarter Sessions, and abide the Judgment of the Court thereupon, and pay such Costs, if any, as shall be by the Court awarded; which Recognizance such Justice or Justices is and are hereby authorized to require and take of the Party convicted entering into such Recognizance; and the Justice or Justices who shall take such Recognizances is and are also hereby required to bind the Person who shall make the Charge on which such Judgment shall have been given in a Recognizance conditioned that he shall appear at such General or Quarter Sessions aforesaid, then and there to give Evidence against the Person so charged, and to in like Manner bind any other Person who shall have any Knowledge of the Circumstances of such Offence.

Execution shall
not be stayed
unless the Party
convicted shall
give Security by
Recognizance to
prosecute
Appeal.

XXVIII. And

Justices at Quarter Sessions, on Appeal, to examine only the Evidence before given, and in case of any new Judgment to have the like Power of mitigating as the original Justices.

XXVIII. And be it further enacted, That upon every such Appeal as aforesaid it shall be lawful for the Justices of the Peace at the General or Quarter Sessions to rehear upon Oath the Merits of the Case whereon the original Judgment appealed against shall have been given, and to reverse or confirm in the whole or in part the Judgment appealed against, or to give such new or different Judgment as they in their Discretion shall in that Behalf think fit; and such Justices of the Peace at General Quarter Sessions shall in such new or different Judgment have the same Power of mitigating as is herein-before by this Act given to Justices in Judgments given by them: Provided always, that it shall be lawful for such Justices of the Peace at such General Quarter Sessions as aforesaid, at their Discretion, to state specially the Facts of any Case on which such Appeal shall be made, for the Opinion of His Majesty's Court of King's Bench in *Ireland*.

Court to adjudge Costs in case of Dismissal or Abandonment of Appeal.

XXIX. And be it further enacted, That when any such Appeal shall be dismissed, or the Adjudication appealed against shall be affirmed, or such Appeal shall be abandoned, it shall be lawful for the Court to which such Appeal shall have been made or intended to be made to adjudge and order that the Party appealing shall pay to the Party in whose Favour such Adjudication has been made such reasonable Costs as shall in the Opinion of such Court be meet.

Penalty on Witnesses not attending.

XXX. And be it further enacted, That any Person duly and necessarily summoned as a Witness to give Evidence before any Justice or Justices, or any Court of General or Quarter Sessions, touching any of the Matters aforesaid, either on the Part of the Complainant or of the Person accused, who shall neglect or refuse to appear at the Time and Place for that Purpose appointed, and who shall not make such reasonable Excuse for such Neglect or Refusal as shall be admitted and allowed by such Justice or Justices, or Sessions, or who appearing shall refuse to be examined on Oath or Affirmation, and give Evidence, shall forfeit the Sum of Two Pounds, which Sum shall be levied, recovered, and enforced in like Manner as any Penalty imposed by this Act.

Proceedings upon Determination of Appeal.

XXXI. And be it further enacted, That where any Judgment appealed against under this Act shall be affirmed, such Judgment may be enforced and executed by the original convicting Justice or Justices of the Peace respectively in like Manner as if there had been no Appeal.

Justices shall grant Warrants for the levying of Penalties or Judgments to be enforced by them.

XXXII. And be it further enacted, That where any Judgment not appealed from, or any Judgment affirmed on Appeal, is by this Act required to be enforced and executed by the Justice or Justices by whom the same shall have been given, it shall be lawful for such Justice or Justices of the Peace, and he or they is and are required hereby, to award and grant a Warrant or Warrants under his or their Hand or Hands to any Constable or Peace Officer authorizing such Constable or Peace Officer to levy the Penalty or Penalties or Sum or Sums of Money so adjudged upon the Goods and Chattels of such Person or Persons so convicted, and either to detain and keep such Goods and Chattels in the House or Place where the same shall have been found, or to remove the same to some convenient Place of Safety.

XXXIII. And

XXXIII. And be it further enacted, That where any Judgment is by this Act required to be awarded, enforced, and executed by the Justices of the Peace at the General Quarter Sessions, on Appeal or otherwise, it shall be lawful for such Justices of the Peace at the General Quarter Sessions, and they are hereby authorized and required, to award and grant a Warrant or Warrants under their Hands, or under the Hands of any Two Justices respectively, to any Constable or Peace Officer, authorizing such Constable or Peace Officer to levy the Penalty or Penalties or Sum or Sums of Money so adjudged upon the Goods and Chattels of such Person or Persons so convicted, and either to detain and keep such Goods and Chattels in the House or Place where the same shall have been found, or to remove the same to some convenient Place of Safety.

Justices at Quarter Sessions shall grant Warrants for the Levy of Penalties on Judgments to be enforced by them.

XXXIV. And be it further enacted, That it shall be lawful in any such Levy Warrant to order and direct therein that the Goods and Chattels upon which such Levy shall be made shall be sold and disposed of so soon as conveniently may be after a certain Time to be limited in such Warrant for the Sale thereof (so as that such Time be not less than Six Days nor more than Ten Days from the Day of Seizure), unless the Penalty or Penalties or Sum and Sums of Money for which such Levy shall be made shall, within the Time limited for the Payment thereof as aforesaid, be paid and satisfied.

In Levy Warrants, any Time not less than Six nor exceeding Ten Days may be appointed for Sale of Distress.

XXXV. And be it further enacted, That it shall be lawful for the Constable or Peace Officer making such Levy, and he is hereby empowered and required, to deduct the Penalty and Penalties or Sum and Sums of Money for which such Levy shall be made, and all reasonable Charges and Expences attending such Levy, not exceeding One Shilling in the Pound on the Amount specified in such Warrant, out of the Money arising by such Sale as aforesaid, and to return the Overplus, if any, to the Proprietor or Proprietors of the Goods and Chattels upon which such Levy shall have been made, or to the Person legally entitled thereto; and such Officer shall, if required, show such Warrant to the Person upon whose Goods and Chattels such Levy shall be made, and shall suffer such Person or Persons to take a Copy thereof.

Penalty and Expences to be deducted from the Sale, and the Overplus to be returned.

XXXVI. And be it further enacted, That for Want of sufficient Goods and Chattels whereon such Penalty and Penalties or Sum and Sums of Money, with the Charges and Expences aforesaid, may be levied, and on a Return in Writing made upon any Levy Warrant by any Constable or Peace Officer to whom such Warrant may have been directed, to the Justices by whom such Warrant shall have been granted, or to any Two or more of the Justices of the Peace within whose Jurisdiction any such Warrant shall have been issued, that such Constable or Peace Officer cannot find, within the Jurisdiction in which such Warrant shall have been issued, any Goods and Chattels of the Person against whom such Warrant shall have been granted whereon the same can be levied, or on a Return as aforesaid, that Part of such Penalty and Penalties or Sum and Sums of Money, Charges, and Expences, has been levied or paid, and that the Constable or Peace Officer cannot find any further Goods and Chattels of the Person or Persons against whom such Warrant shall have been granted beyond the Goods and Chattels already seized and sold as aforesaid, within the Jurisdiction as aforesaid,

A Copy of the Warrant may be taken.

Where sufficient Distress cannot be found, a Warrant may issue for the Arrest of the Person.

said, whereon the Residue of such Penalty and Penalties or Sum and Sums of Money, Charges, and Expences can be levied, it shall be lawful for such Justices to commit such Person to the Common Gaol or to the House of Correction of the County or Place for which such Justices shall then be acting for any Term not exceeding One Calendar Month if the Penalty or Penalties or Sum remaining due on Foot thereof shall not be above Five Pounds, for any Term not exceeding Two Calendar Months if the Penalty or Penalties or the Sum remaining due on the Foot thereof shall be above Five Pounds: Provided nevertheless, that whenever such Offender shall have been committed to the Common Gaol or House of Correction in consequence of his not having duly paid such Penalty or Penalties or Sum remaining due on Foot thereof, if such Offender shall pay or cause to be paid to the Gaoler or Keeper of the Gaol or House of Correction, or to whomsoever such Justice or Justices shall have appointed, the Penalty or Penalties or Sum remaining due on Foot thereof, at any Time previous to the Expiration of the Time for which such Offender shall so have been committed, such Offender shall be forthwith discharged.

Proviso for
Offenders pay-
ing Penalty to
Gaolers.

On default of
Payment of
Penalties, Pro-
ceedings may be
had against the
Sureties.

XXXVII. And be it further enacted, That in case any Person convicted of any Offence against this Act shall not pay the Penalty and Costs awarded by such Conviction, or upon any Appeal therefrom, it shall be lawful for the Justice or Justices in Quarter Sessions assembled convicting such Offender, after the Expiration of One Calendar Month next after such Conviction or Order, in case of Appeal, to summon any Surety or Sureties named in the Bond or Recognizance entered into and executed by such Person and his Surety or Sureties at the Time of obtaining his Licence or making such Appeal, to appear before the said Justice or Justices, and show Cause why the Penalty mentioned in such Bond or Recognizance should not be paid by such Surety or Sureties, or so much thereof as shall be sufficient to pay any Penalty or Costs so incurred, or to satisfy so much of such Penalty or Costs as shall remain unpaid; and in case any such Surety shall not show any sufficient Cause to the contrary, it shall be lawful for such Justice or Justices to adjudge that such Penalty if not paid, or so much thereof as aforesaid, shall be paid by such Surety within Fourteen Days; and in case such Penalty, or so much thereof as aforesaid, shall not be paid within Fourteen Days, it shall be lawful for such Justice or Justices to issue a Warrant, and levy the Amount of such Penalty, or so much thereof as aforesaid, by Distress and Sale of the Goods and Chattels of such Surety, together with the Costs of such Distress and Sale.

No Conviction
shall be quashed
for Want of
Form.

XXXVIII. And be it further enacted, That no Conviction under this Act, nor any Adjudication made upon Appeal therefrom, shall be quashed for Want of Form; and no Warrant of Commitment shall be held void by reason of any mere formal Defect therein, provided that it be therein alleged that the Party has been convicted, and that there be a good and valid Conviction to sustain the same.

Application of
Penalties.

XXXIX. And be it further enacted, That one Moiety of every Fine, Penalty, and Forfeiture by this Act imposed, and not expressly directed to be otherwise applied, shall, after deducting all further necessary Charges of Levy not herein-before provided for, be paid to the Use of His Majesty, His Heirs and Successors; and the other Moiety to him who shall inform, discover, or sue for the same, or

to the Poor of the Parish in which such Offence shall have been committed, at the Discretion of the Justices who shall award the same.

XL. Provided always, and be it further enacted, That every Provision, Clause, Matter, and Thing contained in any Statute heretofore passed repugnant to the Provisions of this Act or any of them, or for or in lieu of which Provision is hereby made (if any such there be), be and the same are hereby repealed.

Any thing heretofore passed repugnant to this Act, repealed.

CAP. LXIX.

An Act to extend and enlarge the Powers of the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings, in relation to the Management and Disposition of the Land Revenue of the Crown in *Scotland*. [28th August 1833.]

849/2 99

WHEREAS by an Act passed in the Tenth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Management and Improvement of His Majesty's Woods, Forests, Parks, and Chases, of the Land Revenue of the Crown within the Survey of the Exchequer in England, and of the Land Revenue of the Crown in Ireland, and for extending certain Provisions relating to the same to the Isles of Man and Alderney*, it was enacted, that all the Land Revenues whatsoever (Advowsons of Churches and Vicarages only excepted) which belonged to His Majesty within the Ordering or Survey of the Court of Exchequer in *England* or *Wales*, in *Ireland*, in the *Isle of Man* and its Dependencies, and the *Isle of Alderney*, should be under the Management of the Commissioners of His Majesty's Woods, Forests, and Land Revenues, and of their Successors; and the said Commissioners were thereby authorized to sell and lease, and otherwise dispose of and manage, the said Land Revenues to which the Act now in recital relates, as in the said Act is mentioned, and also to purchase, exchange, and take Leases of any Property under the Terms and Conditions and as in the said Act is mentioned, and to appoint and remove Officers and Receivers relating to or otherwise employed in the Receipt and Management of the said Revenue, and generally to administer the same as in the said Act is mentioned: And whereas by an Act passed in the First Year of the Reign of His present Majesty, intituled *An Act for the Support of His Majesty's Household, and of the Honour and Dignity of the Crown of the United Kingdom of Great Britain and Ireland*, it was (amongst other Things) enacted, that the Produce of the Hereditary Duties and Revenues, (except the Hereditary Duties of Excise on Beer, Ale, and Cider,) which were payable to His said late Majesty King George the Fourth in that Part of *Great Britain* called *Scotland*, and also the small Branches of the Hereditary Revenue and the Produce of the Hereditary Casual Revenues arising from any Droits of Admiralty or Droits of the Crown arising in the United Kingdom, which had accrued since the Decease of His said late Majesty, and which had not been applied and distributed in the Payment of any Charge thereupon respectively, or which should

10 G. 4. c. 50.

1 W. 4. c. 28.

accrue

2 W. 4. c. 1.

2 & 3 W. 4.
c. 112.

' accrue during the Life of His present Majesty, should be carried
 ' to and made Part of the Consolidated Fund of the United King-
 ' dom of Great Britain and Ireland, and after the Decease of His
 ' present Majesty all the said Hereditary Revenues, including the
 ' Duties on Beer, Ale, and Cider, should be payable and paid to
 ' His Heirs and Successors: And whereas by an Act passed in the
 ' Second Year of the Reign of His present Majesty, intituled *An*
 ' *Act for uniting the Office of the Surveyor General of His Majesty's*
 ' *Works and Public Buildings with the Office of the Commissioners*
 ' *of His Majesty's Woods, Forests, and Land Revenues, and for other*
 ' *Purposes relating to the Land Revenues*, it was enacted, that it
 ' should be lawful for His Majesty, His Heirs and Successors, by
 ' Letters Patent under the Great Seal, to appoint in the Place of
 ' the Commissioners of His Majesty's Woods, Forests, and Land
 ' Revenues, and of the Surveyor General of His Majesty's Works
 ' and Public Buildings, any Persons, not exceeding Three in Num-
 ' ber, to be Commissioners for performing the Duties and exercising
 ' the Powers then performed and exercisable by the Commissioners
 ' of His Majesty's Woods, Forests, and Land Revenues, and the
 ' Duties and Powers then performed and exercisable by the Sur-
 ' veyor General of His Majesty's Works and Public Buildings, and
 ' that the Persons so first appointed, and their Successors, should be
 ' called "The Commissioners of His Majesty's Woods, Forests,
 ' Land Revenues, Works, and Buildings;" and the said Commis-
 ' sioners were by the said Act empowered to exercise and carry
 ' into effect all the Powers and Provisions contained in the said
 ' recited Act of the Tenth Year of the Reign of His late Majesty
 ' King George the Fourth, either expressly or by reference to any
 ' other Acts: And whereas by virtue of an Act passed in the Second
 ' and Third Years of the Reign of His present Majesty, intituled
 ' *An Act to authorize the Hereditary Land Revenues of the Crown in*
 ' *Scotland being placed under the Management of the Commissioners*
 ' *of the Land Revenues*, all the Revenues, Debts, Duties, and Profits,
 ' of what Nature or Kind soever, appertaining to the King's Majesty,
 ' His Heirs or Successors, within Scotland, and all Honors, Castles,
 ' Manors, Lands, Tenements, and Hereditaments in Scotland apper-
 ' taining to the King's Majesty, His Heirs or Successors, by virtue
 ' of any Attainder, Outlawry, Seizure for any Crime or Cause of
 ' Forfeiture, Debt, or Duty, or upon any Extent, Commission, or
 ' otherwise, or by virtue of the Royal Prerogative, or by any other
 ' Right or Title whatsoever, and all the Rents, Issues, and Profits
 ' thereof or of any of them, and also all the Goods, Chattels, Debts,
 ' Credits, Rights, Titles, and Personal Estates within Scotland any-
 ' wise accruing or belonging to the King's Majesty, His Heirs or
 ' Successors, by virtue of the Royal Prerogative, or of any At-
 ' tainder, Outlawry, Extent, Inquisition, Debt, Duty, or Forfeiture,
 ' or by any other Right, Title, Ways, or Means whatsoever, and all
 ' the Remedies and Means for recovering the same and the Pos-
 ' session thereof, and all Accounts relating thereto, and also all
 ' Forfeitures and Penalties which have been incurred, or should
 ' be incurred, or become in any ways due and payable in Scotland
 ' by virtue of any penal or other Laws or Statutes whatsoever;
 ' and also all Fines, Issues, Forfeitures, and Penalties, of what
 ' Nature or Kind soever, happening, arising, or accruing to the
 ' King's

King's Majesty, His Heirs or Successors, within *Scotland*, (except such as are now under the Management of the Commissioners of His Majesty's Customs and Excise respectively,) are under the Management, Control, and Direction of the Commissioners for the Time being of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings in *England* and *Ireland*: And whereas it is expedient that the said Commissioners should have such and the like Powers of selling, leasing, and administering the Hereditary Possessions of His Majesty in *Scotland*, and of appointing and removing Officers, and of purchasing, exchanging, and taking Leases of Lands in *Scotland*, in all respects as is by the said Act passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth provided with respect to the Land Revenue in *England*, and generally that the several Provisions contained in the said Act passed in the Tenth Year of the Reign of His said late Majesty King *George* the Fourth should be extended to *Scotland*: And whereas it is expedient that so much of the said Act passed in the Second and Third Years of the Reign of His present Majesty as relates to such Part of the Revenue of the Crown in *Scotland* as are after mentioned should be repealed: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said Act passed in the Second and Third Year of the Reign of His present Majesty as gives to the said Commissioners the Management, Control, and Direction of all and every Penalties and Penalty which have been incurred, or which shall or may be incurred, or become anywise due and payable, in *Scotland*, by force or virtue of any penal Statute, shall be repealed, and the same is hereby repealed.

So much of recited Act of 2 & 3 W. 4. as gives the Commissioners Control of Penalties, &c. under penal Statutes repealed.

II. And be it further enacted, That the said Commissioners for the Time being of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall, from and after the passing of this Act, have and exercise all and every the Powers and Authorities whatsoever with regard to His Majesty's Land Revenue, Lands, Teinds, Feu Retour, and other Duties and Casualties in *Scotland* under their Management and Control, as are contained in the said Act passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth with respect to His Majesty's Land Revenue in *England*, and which the said Commissioners are now entitled to have and exercise with respect to the Land Revenue in *England*, and in all respects as if His Majesty's Land Revenue, Lands, Teinds, Feu Retour, and other Duties and Casualties in *Scotland*, had been included and named in the said last-mentioned Act, and the several Clauses and Provisions therein contained had been made applicable thereto, in the same Manner as the same are made applicable to His Majesty's Land Revenue in *England*.

Commissioners to have the same Powers with regard to Land Revenue in *Scotland* as with respect to Land Revenue in *England*.

III. And be it further enacted, That all and every the Provisions, Regulations, Directions, Clauses, Matters, Things, Powers, and Authorities in the said recited Act of the Tenth Year of the Reign of His late Majesty King *George* the Fourth contained, either expressly or by reference to other Acts, relating to the selling, leasing, exchanging, and general Administration of the Possessions and Land Revenues of the Crown in *England*, and all other the Powers, Provisions,

All the Provisions of 10 G. 4. c. 50. relating to selling, leasing, &c. the Land Revenues, and all the Powers, &c. thereby given to the Commis-

sioners, to
extend to this
Act.

visions, and Authorities in and by the said recited Act of the Tenth Year of the Reign of His late Majesty King *George* the Fourth given to the said Commissioners of His Majesty's Woods, Forests, and Land Revenues, shall, so far as the same are applicable or can be applied, extend and be construed to extend to this present Act, as fully, amply, and effectually, to all Intents and Purposes whatsoever, as if the same Provisions, Regulations, Directions, Clauses, Matters, Things, Powers, and Authorities were particularly repeated and re-enacted in this present Act, and made applicable to the said Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or as if the said Possessions and Land Revenues of the Crown in *Scotland* had been included in the said recited Act of the Tenth Year of the Reign of His said late Majesty, and the aforesaid Powers and Provisions had been thereby made applicable to the Possessions and Land Revenues of the Crown in *Scotland*, (except that in all Cases in which the Sanction of the Court of Exchequer in *England* is by the said recited Act of the Tenth Year of the Reign of His late Majesty King *George* the Fourth made necessary, the Sanction and Authority of the Court of Session in *Scotland* shall be sufficient with respect to the said Possessions and Land Revenues of the Crown in *Scotland*; and except that all Deeds, Conveyances, or other Documents relating to any Sale, Feu, Exchange, Lease, or Purchase under the Authority of this Act, need not be inrolled in such Manner as is directed by the said Act of the Tenth Year of the Reign of His late Majesty King *George* the Fourth, with respect to the Instruments whereby any Hereditaments in *England* should be sold under the Authority of the said Act).

Purchase
Money, how to
be paid.

IV. And be it further enacted, That whenever the Commissioners for the Time being of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall have contracted or agreed with any Person, Body Politic, Corporate, or Collegiate, under the Authority of this Act, for the Sale, feuing, letting, exchanging, or otherwise disposing to him or them of any Part of the Lands or other Property or Subjects of the Crown to which this Act relates, (not being any subsisting Lease which may have been purchased or taken under the Powers of this Act,) the Purchaser, in case the Purchase Money shall amount to the Sum of One hundred Pounds, shall cause the same to be paid into the Bank of *England*, or any chartered Bank in *Scotland*, or Branch of the same throughout *Scotland*, as the said Commissioners may direct; and the Secretary, Cashier, or other proper Officer of the Bank of *England*, or such chartered Bank or Branch thereof, shall, upon the Production of any Note signed by the said Commissioners, specifying the Sum to be so paid, and that it is to be so paid to their Account, accept and receive the same, and carry the same to the Account of the said Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and give a Receipt for the same, without Fee or Reward; but if such Purchase Money shall not amount to the Sum of One hundred Pounds, it shall not be necessary for the Purchaser to pay the same into the Bank of *England*, or such chartered Bank or Branch thereof, but he or they may, at his or their Option, either pay the same into the Bank of *England*, or any such chartered Bank or Branch thereof, as the said Commissioners may direct, (in which Case the Secretary, Cashier, or other proper Officer

If amounting to
100*l*.

Where the Sum
is under 100*l*.

of the said Bank of *England*, or any such chartered Bank or Branch thereof, shall accept and give a Receipt for the same as aforesaid,) or to the said Commissioners for the Time being of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or their Collector or Agent to be appointed by them for that Purpose; and the said Commissioners shall, on the Production of the Receipt of the Secretary, Cashier, or other proper Officer of the Bank of *England*, or such chartered Bank or Branch thereof, for such Purchase Money, or in case the same shall not amount to One hundred Pounds, then either on the Production of such Receipt, or on the Payment to them, their Collector or Agent, of such Purchase Money, execute to the Purchaser a Conveyance, either printed or written, or partly printed and partly written, under their Hands, of the Lands or other Property or Subjects agreed to be sold or exchanged, and give a Receipt for the Purchase Money under their Hands; and every such Conveyance and Receipt may be according to the Form set forth in the Schedule to this Act annexed, or in any other Form which may be deemed by the said Commissioners more convenient; and every such Conveyance and Receipt shall be attested, as to the Execution and signing thereof, by Two Witnesses; and it is hereby declared, that any Deed, Grant, or Conveyance so made and granted of the Lands, Teinds, Feu Retour, and other Duties, Casualties, Rents, and other the Heritable Property of the Crown in *Scotland*, by the said Commissioners, on being recorded or registered in the general or particular Register of Sasines, shall be held to alienate and dispoise from His Majesty, His Heirs and Successors, the Property or other Subjects therein expressed to be comprised, in as valid a Manner as if a complete Feudal Right Holding, of and under His Majesty, His Heirs and Successors, had been granted, or as if the same had been constituted by a formal Crown Charter, and followed by Sasine.

V. And be it further enacted, That it shall and may be lawful for the said Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings, on the Sale of any Teind, Feu Retour, or other Duties, Casualties, or Rents, if such Sale shall be made to the Vassal in the Feu, to grant a Receipt for the Purchase Money or other Consideration agreed to be given for the same, and which Receipt shall also contain a Declaration that on the next Renewal of the Investiture in favour of the Vassal, or of his Heirs or Dispoonees, the Charter, Precept, or other Deed to be granted by or on behalf of the Crown shall contain a Blench Holding in lieu and place of the Feu or other Holding or Duty in the original Rights or Investitures; and such Receipt and Declaration, delivered to the Vassal so purchasing, on Payment of the Purchase Money, shall be a sufficient Renunciation and Voucher to him or her, or his or her Heirs and Successors, until the Renewal of such Investiture, and shall be a sufficient Warrant to the Barons of the Court of Exchequer in *Scotland*, and all others, when a Renewal of the Investiture shall be required, to grant such renewed Investiture with a Blench Holding.

VI. And be it further enacted, That it shall and may be lawful for the Proprietors of entailed Estates in *Scotland*, and for their Trustees, and the Tutors, Curators, and Administrators in Law of such Proprietors, to purchase the Teind, Feu Retour, and other

Upon Production of Receipt, Commissioners to execute a Conveyance of the Property sold.

Conveyance when recorded in the Register of Sasines to be held to alienate the Property from His Majesty.

On Sale of Teinds, &c. to the Vassal, Receipt for Purchase Money to contain a declaratory Promise that on the next Renewal of Investiture the Charter shall contain a Blench Holding in lieu of the Feu, &c.

Proprietors, &c. of entailed Estates may purchase the Teinds, &c. affecting the same.

24 G. 3. c. 116.

Duties, Casualties, Rents, and all other the Land Revenues due to and exigible by the Crown, and affecting such Estates, and which the said Commissioners are hereby authorized to sell and dispose of, and either to disburden their Estates from the Payment of such Teind, Feu Retour, or other Duty, Casualty, or Rent, or to make the Purchase Money of the same a Debt and Burden on such entailed Estate, in like Manner as the Sum paid for Redemption of the Land Tax is made a Burden on entailed Property in Terms of an Act passed in the Forty-second Year of the Reign of His late Majesty King George the Third, intituled *An Act for consolidating the Provisions of the several Acts passed for the Redemption and Sale of the Land Tax into One Act, and for making further Provision for the Redemption and Sale thereof; and for removing Doubts respecting the Right of Persons claiming to vote at Elections for Knights of the Shire and other Members to serve in Parliament, in respect of Messuages, Lands, or Tenements, the Land Tax upon which shall have been redeemed or purchased, or of any other Act or Acts of Parliament in relation thereto now in force.*

Commissioners to cause Duplicates of all Conveyances, Deeds, &c. to be registered and preserved in the Chancery of Scotland; and a Minute or Docket of every Conveyance, &c. to be entered and preserved in their Office.

VII. Provided always, and be it further enacted, That the said Commissioners for the Time being of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall cause Duplicates of all Conveyances, Deeds, and Documents whereby any Lands or other Property or Subjects in Scotland shall be hereafter purchased or taken in Exchange by them for or on behalf of His Majesty, His Heirs or Successors, under the Authority of this Act, or which shall be conveyed or leased to His Majesty, His Heirs or Successors, or to any Person in Trust for Him or Them, and of all Leases to be made or granted by the said Commissioners under the Authority of this Act, of any Lands or other Heritable Property or Subjects of the Crown in Scotland, and of all Conveyances, Deeds, and Documents whereby any Part of the Lands or other Property or Subjects of the Crown in Scotland shall be granted, sold, exchanged, or conveyed under the Powers of this Act, to be transmitted to the Office of Chancery of Scotland, there to be recorded or registered; and every such Duplicate shall be there preserved and recorded among the other Records and Muniments relating to the Lands or other Property or Subjects of the Crown preserved in such Office; and a Minute or Docket of every such Conveyance, Deed, or Document shall be entered and preserved by the said Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings, in their Office.

Original Conveyance, Deed, or Duplicate thereof, or Copy or Extract of same duly attested, to be in all Courts Evidence of Right and Title.

VIII. And be it further enacted, That not only the original Conveyance, Deed, or other Document by which any Lands or other Heritable Property or Subjects to which this Act relates shall be disposed of under the Provisions of this Act, but also the Duplicate thereof, to be so transmitted as aforesaid, or a Copy or Extract of such Duplicate, attested by the Officer for the Time being in whose Custody the same shall remain, (and which Copies the said Officer is hereby authorized and required to grant to any Person applying for the same, on Payment of a Fee of One Shilling for every such Copy, and if the same shall consist of more than Seventy-two Words, then of a further Fee of One Shilling for every Seventy-two Words over the first Seventy-two Words,) shall be admitted in all Courts as Evidence of the Right and Title of the Purchasers, Grantees,

Grantees, Lessees, and all Persons claiming under them, to the Subjects to which such Conveyances, Deeds, or other Documents shall relate.

IX. And be it further enacted, That every Conveyance, Deed, or other Document whereby any Lands or other Heritable Property or Subjects to which this Act relates, or any Term of Years or Interest therein, shall be conveyed or leased to His Majesty, His Heirs or Successors, or to a Trustee or Trustees for His Majesty, His Heirs or Successors, under the Authority of this Act, shall, without any other Inrolment or Registration thereof than in the Office of Chancery in *Scotland* as aforesaid, be of the like Force in favour of His Majesty, His Heirs and Successors, as if the same had been or was inrolled or registered in the Books of Council and Session, or in the general or special Register of Sasines in the County, Shire, or Stewartry within which the Lands or other Heritable Property or Subjects shall be situate.

Every Deed inrolled in Chancery in Scotland to be of like Force as if registered in Books of Council and Session or Register of Sasines.

X. Provided always, and be it further enacted, That a Note or Memorandum of every such Conveyance, Deed, or other Document, setting forth the Date thereof, the Names of the Disposer or Granter and Disponee or Grantee, and the leading Names of the Lands or Heritages, and of the County or Counties wherein the same are situated, shall, within Fourteen Days after the Execution thereof, or as soon thereafter as possible, be entered by the Grantee in the Minute Book of the Register of Sasines at *Edinburgh*, of the Date on which such Note or Memorandum is presented, and also upon the Margin of the Entry in the Register of Sasines, general or particular, of the last Instrument of Sasine in the Property of the Lands or Heritages alienated, recorded in such Register; and such Entries shall be so made without Fee or Reward payable therefor.

A Memorandum of every Conveyance, setting forth the Particulars, to be entered in Minute Book of the Register of Sasines within 14 Days after Execution thereof.

XI. And be it further enacted, That all Sums to be received under the Authority of this Act, for or in respect of any Sales, or for Equality of Exchange on any Exchange of any of the said Lands or other Property or Subjects to which this Act relates, shall be applied in the Payment of the Purchase Monies on the Purchase of any Lands or other Property or Subjects under the Authority of this Act, or in the Purchase of any Lease of any Part of the Lands and other Property or Subjects of the Crown which may be bought in under the Authority of this Act, and in Payment of the Monies to be paid for Equality of Exchange on any Exchange to be made under the Authority of this Act, and of the Expences of the said Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings in or relating to such Purchases and Exchanges, and in the Payment of the Monies to be paid for the Redemption or Purchase of any Land Tax which may be redeemed or purchased by the said Commissioners, and of the Expences of the said Commissioners in or relating to such Purchase or Redemption, and in the Discharge of any Incumbrances or Burdens which now or hereafter are or may be charged upon or affect any of the said Lands or other Property and Subjects of the Crown to which this Act relates.

Application of Purchase Monies.

XII. And be it further enacted, That it shall be lawful for the said Commissioners for the Time being of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings to cause any Sums

Sums not immediately wanted to be invested in the Public Funds.

which shall be received for or in respect of any Sales or Exchanges of any of the Lands or other Property or Subjects of the Crown to which this Act relates, and which may not be immediately wanted for the Purposes to which the same are hereby made applicable, to be laid out in the meantime in the Purchase of Three Pounds *per Centum* Consolidated Bank Annuities, or Three Pounds *per Centum* Reduced Bank Annuities, in the Name of the Lord High Treasurer, or of the Commissioners of His Majesty's Treasury, in which Name the Governor and Company of the Bank of *England* are hereby authorized and required to permit Transfers to be made of the Annuities to be so purchased, and such Transfers shall be accepted by the said Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings in the Name and on behalf of the said Lord High Treasurer, or the said Commissioners of His Majesty's Treasury.

Dividends of
Stocks and
Annuities to be
by Bank of
England placed
to Credit of the
Commissioners.

XIII. And be it further enacted, That the Amount of the Dividends of the Stocks and Annuities to be purchased as last aforesaid shall from Time to Time, as the said Dividends shall become due, be placed by the Governor and Company of the Bank of *England* to the Credit of the said Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings in their Account with the Bank; and so much of the Dividends as shall have become due in respect of Stocks purchased with Monies which shall have arisen from the Sale or Exchange of any of the Lands or other Property and Subjects of the Crown to which this Act relates shall be applied and disposed of by the said Commissioners in the same Manner and for the same Purposes as and considered in all respects as Part of the annual Income of the Lands and other Property and Subjects of the Crown in *Scotland*.

Commissioners
of Treasury
authorized to
sell out all or
any such Stocks
or Annuities,
when expedient.

XIV. And be it further enacted, That when and so often as it shall be necessary or expedient to raise by Sale of any of the Stocks or Annuities so to be purchased as aforesaid any Sum of Money for the Purposes to which Monies to be received under the Authority of this Act from Sales or Exchanges of any of the Lands and other Property and Subjects of the Crown are hereby respectively made applicable, it shall be lawful for the Lord High Treasurer, or the Commissioners of His Majesty's Treasury for the Time being, to sell out all or any Part of the said Stocks or Annuities; and the Sums raised by the Sale of the said Stocks and Annuities shall be paid into the Bank of *England*, and be placed to the Credit of the said Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings, to be applied and disposed of by the said Commissioners in the same Manner and for the same Purposes as and considered in all respects as Part of the Sums to be received under the Authority of this Act for or in respect of any Sales or Exchanges of any of the Lands and other Property and Subjects of the Crown in *Scotland*.

Transfer of
Stock.

XV. And be it further enacted, That all Sums of Stock which shall be sold by the said Lord High Treasurer or the Commissioners of His Majesty's Treasury, under the Provisions herein-before contained, may be transferred by any Person to be appointed by him or them for that Purpose by any Letter of Attorney under the Hand and Seal of the said Lord High Treasurer, or under the Hands and Seals of any Three of the said Commissioners, for the Time being,
and

and attested by Two or more credible Witnesses; and the said Governor and Company of the Bank of *England* shall and they are hereby authorized and required to permit all such Transfers to be so made.

XVI. And be it further enacted, That the annual Income of all the said Lands and other Property and Subjects of the Crown to which this Act relates, and all Sums received in respect of Feus, Leases, or otherwise, for or in respect of the said Lands and other Property and Subjects (except from Sales or Exchanges), shall be applied in manner following; (that is to say,) in the first place, in Payment of the Costs, Charges, and Expences attending the Management of the said Lands and other Property and Subjects of the Crown; in the next place, in Payment and Discharge of any annual Sum or Sums of Money or any Pensions already lawfully charged or to be charged thereon respectively, and in the Payment of any other Principal Sum and the Interest of any Principal Sum or Sums of Money already or which may be hereafter lawfully charged upon the said Lands and other Property and Subjects; and, subject to the Applications aforesaid, the said annual Income shall, during the Life of His present Majesty, be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, and from and after the Demise of His present Majesty (whom God long preserve) shall be payable and paid to the King's Majesty, His Heirs and Successors.

Application of the annual Income to which this Act relates.

Annual Income, subject as aforesaid, to be carried to and made Part of Consolidated Fund.

XVII. And be it further enacted, That the said Commissioners for the Time being of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings may, so long as they shall find it necessary so to do, keep an Account with any of the chartered Banks in *Scotland*; and the said Commissioners, observing the Rules and Regulations hereby or by the said Act passed in the Tenth Year of His late Majesty King *George* the Fourth prescribed, shall not be answerable, either collectively or individually, for any Money which they the said Commissioners shall have paid into the said Banks, or any of them, or any Branch thereof.

Commissioners may keep Accounts with chartered Banks of *Scotland*. Irresponsibility of Commissioners.

XVIII. And be it further enacted, That the passing of this Act shall not vacate the Appointment of any Chamberlain or Collector of the Revenues and Profits of any of His Majesty's Lands or other Property or Subjects to which this Act relates, or to vacate, render void or voidable, any Security given by or for such Chamberlain or Collector, but every such Chamberlain or Collector who shall be in Office at the Time of the passing of this Act shall continue in Office until his Death or Resignation, or until he shall be removed by the Commissioners for the Time being of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or until his Appointment shall cease under the Provisions herein contained or referred to; and any Security given for the good Conduct of such Chamberlain or Collector shall stand and remain as a Security for the due Discharge and Performance by him of the Duties hereby imposed upon him.

Not to vacate the Appointment of any Chamberlain or Collector of the Revenues to which this Act relates, or to render void any Security given by or for him.

XIX. ' And whereas certain Retour Duties, Casualties, and ' other Duties and Rents pertaining to the Land Revenues of the ' Crown and Prince and Steward of *Scotland*, have hitherto been ' received by the Officers of the Courts of Justice, or by the Sheriffs ' of the Counties, Shires, or Stewartries of *Scotland* respectively;

Retour Duties, &c. no longer to be received by Officers of Courts of Justice, or by Sheriffs, but by Collectors especially appointed.

‘ and it will be most convenient that the same should be collected
 ‘ and received by the Agents or Collectors thereof appointed or to
 ‘ be appointed under the Provisions of this Act ;’ be it therefore
 further enacted, That when and so soon as such Agents or Collec-
 tors shall be appointed, such Retour Duties, Casualties, and other
 Duties and Rents, pertaining to the Land Revenues of the Crown
 and Prince and Steward of *Scotland*, shall no longer be collected by
 the Officers of the Courts of Justice, or by the Sheriffs or other
 Officers who have heretofore collected and received them, but shall
 be collected and received by the Collectors to be for that Purpose
 appointed ; and such Collectors shall be entitled to demand and
 receive the same Fees which the said Officers of the Courts of Jus-
 tice, Sheriffs, or other Officers have heretofore been entitled to
 demand and receive upon the Payment of any of the said Retour
 Duties, Casualties, or other Duties or Rents respectively.

Fees as hereto-
fore.

This Act to
extend to the
Lands, &c. of
the Prince and
Steward of
Scotland.

Income to be
applied as at
present.

Saving of
Rights.

Commissioners
may sue and be
sued in the
Name of the
Lord Advocate.

Service of Pro-
cess.

XX. And be it further enacted, That all the Powers and Pro-
visions in this Act contained shall extend, and be held and construed
to extend, to the Lands, Revenues, and other Property and Subjects
of the Prince and Steward of *Scotland* ; the annual Income thereof,
or the Monies to arise by the Sale or other Disposition thereof, to
be applied and appropriated by the said Commissioners of His
Majesty’s Woods, Forests, Land Revenues, Works, and Buildings
to and for such Purposes and in such Manner as the same are now
by Law applicable.

XXI. Provided always, and be it further enacted, That nothing
herein contained shall extend or be construed to extend to abridge
or interfere with any Rights of His Majesty, His Heirs or Succes-
sors, or of the Lord High Treasurer or the Commissioners of His
Majesty’s Treasury, or the Chancellor of the Exchequer, for the
Time being, or any Grantee of the Crown, in respect of any Ap-
pointment lawfully made by His Majesty or the said Lord High
Treasurer or Commissioners, or the Chancellor of the Exchequer,
or such Grantee, previously to the passing of this Act.

XXII. And be it further enacted, That it shall and may be law-
ful for the said Commissioners of His Majesty’s Woods, Forests,
Land Revenues, Works, and Buildings to sue and be sued in any
Court of Law in *Scotland* in the Name of His Majesty’s Lord Ad-
vocate of *Scotland* for the Time being ; and it is hereby declared,
that Service of any legal Proceedings upon the said Lord Advocate
and an Intimation of such Service to the said Commissioners by
Letter addressed to the First Commissioner of Woods, Forests,
Land Revenues, Works, and Buildings, *London*, and put into the
General Post Office, shall be deemed and held to be sufficient Ser-
vice on the said Commissioners, any Law or Practice to the con-
trary notwithstanding.

SCHEDULE to which this Act refers.

*Form of Conveyance on Sales by the Commissioners of His Majesty’s
Woods, Forests, Land Revenues, Works, and Buildings.*

To all and sundry to whose Knowledge these Presents shall
come : Know ye, That we whose Names are inserted in the testing
Clause of these Presents, Two of the Commissioners of His Ma-
jesty’s Woods, Forests, Land Revenues, Works, and Buildings, on
behalf

behalf of His Majesty, and under the Authority of an Act passed
 [here insert the Title of this Act], in consideration of the Sum of
 paid by *E. F.* [here describe Mode of Payment],
 have sold, alienated, and in Feu Farm disposed, as we by these
 Presents, on behalf of His Majesty, sell, alienate, and in Feu Farm
 dispoine, from His Majesty, His Heirs and Successors, to and in
 favour of the said *E. F.*, his Heirs and Assignees whomsoever,
 heritably and irredeemably, all and whole the Lands of [here describe the Lands or other Subjects sold], [if Teinds are sold without Lands, here omit Description of Lands, and insert] all and whole
 the Teinds, Parsonage and Vicarage, of the Lands of
 pertaining to [here insert Name of Owner],
 lying in the Parish of and Sheriffdom of

with all Burdens imposed or to be imposed
 thereon, lying within the Parish of and Shire of
 [and if the Teinds, Mills, and Fishings be also purchased with the Lands, add] together with the whole Teinds, both
 great and small, as well Parsonage as Vicarage, thereof, with the
 Mill of with the Multures, Sequels, and others
 thereto pertaining, and with the Right of Salmon-fishing in the
 River so far as the said River runs through or
 is bounded by the said Lands [here insert any Burdens, Conditions, or Reservations stipulated], to be holden and to hold the whole
 Lands [if Teinds only are conveyed, insert "Teinds"] and others
 above specified by the said *E. F.* and his foresaids, of His Majesty,
 His Heirs and Successors, Superiors of the same, in Free Blench
 Farm, Fee, and Heritage for ever, giving there for yearly a Penny
 Scots Money at *Whitsunday* yearly, if asked only in Name of
 Blench Farm. In witness whereof we

and Two of the Commissioners foresaid,
 have hereunto set our Hands this Day
 Eighteen hundred

I. K. Witness.

A. B.

G. H. Witness.

C. D.

Form of Receipt and Declaration.

RECEIVED by us, Two of the Commissioners of His Majesty's
 Woods, Forests, Land Revenues, Works, and Buildings, on behalf
 of His Majesty, from *E. F.* the Sum of being the
 Consideration Money paid by him for the Feu Duty [or any other
Duty specified] payable to His Majesty for and furth of the Lands
 of pertaining to the said *E. F.* ;
 of which Feu Duty [or other Duty] the said *E. F.*, his Heirs and
 Assigns, are hereby for ever discharged: Hereby declaring, that
 in any Renewal of the Investiture of the said Lands on behalf of
 His Majesty, this shall be a sufficient Warrant to the Barons of
 the Court of Exchequer in *Scotland*, and all others, to grant such
 renewed Investiture in the Form of a Blench Holding.

Witness our Hands this

Day of

I. K. Witness.

A. B.

G. H. Witness.

C. D.

CAP. LXX.

An Act to alter and amend an Act of the Forty-first Year of His Majesty King *George* the Third, for the better Regulation of Public Notaries in *England*.

[28th August 1833.]

41 G. 3. c. 79.

Recited Act
limited to
London and
Ten Miles
thereof.

Attornies may
be admitted as
Notaries out of
those Limits.

‘ **W**HEREAS by an Act passed in the Forty-first Year of the
‘ Reign of His late Majesty King *George* the Third, intituled
‘ *An Act for the better Regulation of Public Notaries in England*, it
‘ is enacted, that after the First Day of *August* One thousand eight
‘ hundred and one no Person shall be sworn, admitted, and in-
‘ rolled as a Public Notary unless such Person shall have been
‘ bound by Contract in Writing or by Indenture of Apprentice-
‘ ship to serve as a Clerk or Apprentice for the Term of not less
‘ than Seven Years to a Public Notary, or a Person using the Art
‘ and Mystery of a Scrivener (according to the Privilege and Custom
‘ of the City of *London*, such Scrivener being also a Public Notary,)
‘ duly sworn, admitted, and inrolled, and shall have continued in
‘ such Service for the said Term of Seven Years; and certain other
‘ Enactments are contained in the said Act, regulating the Admis-
‘ sion and Practice of Notaries Public: And whereas the Provi-
‘ sions of the said Act are in their Operation found to be extremely
‘ inconvenient in some Places distant from the City of *London*:
Be it therefore enacted by the King’s most Excellent Majesty, by
and with the Advice and Consent of the Lords Spiritual and Tem-
poral, and Commons, in this present Parliament assembled, and
by the Authority of the same, That from and after the passing of
this Act so much of the said recited Act as requires that Persons
to be admitted Notaries Public shall have served a Clerkship or
Apprenticeship for Seven Years, as herein-before mentioned, shall,
so far as the same affects Persons being Attornies, Solicitors, or
Proctors admitted as herein-after mentioned, be limited and confined
to the City of *London* and Liberties of *Westminster*, the Borough of
Southwark, and the Circuit of Ten Miles from the *Royal Exchange*
in the said City of *London*.

II. And be it further enacted, That from and after the passing of
this Act it shall and may be lawful for the Master of the Court
of Faculties of His Grace the Lord Archbishop of *Canterbury* in
London from Time to Time, upon being satisfied as well of the
Fitness of the Person as of the Expediency of the Appointment, to
appoint, admit, and cause to be sworn and inrolled in the said
Court of Faculties any Person or Persons residing at any Place
distant more than Ten Miles from the *Royal Exchange* in the said
City of *London* who shall have been previously admitted, sworn,
and inrolled an Attorney or Solicitor in any of the Courts at *West-*
minster, or who shall be a Proctor practising in any Ecclesiastical
Court, to be a Notary Public or Notaries Public to practise within
any District in which it shall have been made to appear to the said
Master of the Court of Faculties that there is not (or shall not
hereafter be) a sufficient Number of such Notaries Public admitted
or to be admitted under the Provisions of the said recited Act for
the due Convenience and Accommodation of such District, as the

said Master of the Court of Faculties shall think fit, and not elsewhere; any Law or Usage to the contrary notwithstanding.

III. Provided always, and be it further enacted, That nothing herein contained shall extend to authorize any Notary who shall be admitted by virtue of this Act to practise as a Notary, or to perform or certify any notarial Act whatsoever, within the said City of *London*, the Liberties of *Westminster*, the Borough of *Southwark*, or within the Circuit of Ten Miles from the *Royal Exchange* in the said City of *London*.

Not to authorize Notaries appointed thereby to act in London or within Ten Miles thereof.

IV. Provided always, and be it further enacted, That if any Notary admitted by virtue of this Act shall practise as a Notary, or perform or certify any notarial Act whatsoever, out of the District specified and limited in and by the Faculty to be granted to him by virtue of this Act, or within the City of *London*, the Liberties of *Westminster*, the Borough of *Southwark*, or the Circuit of Ten Miles from the *Royal Exchange* in *London* aforesaid, then and in every such Case it shall be lawful for the said Court of Faculties, on Complaint made in a summary Way, and duly verified on Oath, to cause every such Notary so offending to be struck off the Roll of Faculties, and every Person so struck off shall thenceforth for ever after be wholly disabled from practising as a Notary or performing or certifying any notarial Act whatsoever, any thing herein contained to the contrary notwithstanding.

Notary admitted under this Act, practising out of his District, to be struck off the Roll of Faculties.

CAP. LXXI.

An Act for the Appointment of convenient Places for the holding of Assizes in *England* and *Wales*.

[28th August 1833.]

‘ WHEREAS by a Statute made in the Sixth Year of the Reign of King *Richard* the Second it was ordained that the Justices assigned to take Assizes and deliver the Gaols should hold their Sessions in the principal and chief Towns of every of the Counties where the Shire Courts of the same Counties should be holden: And whereas by a Statute made in the Eleventh Year of the same Reign, reciting so much of the said Statute of the Sixth Year as is herein-before recited, and stating that the said Statute was in part prejudicial and grievous to the People of divers Counties in *England*, it was provided that the Chancellor of *England* for the Time being should have Power thereof to make and provide Remedy, by Advice of the Justices, from Time to Time when Need should be, notwithstanding the said Statute: And whereas the Places at which the Assizes are now held in various Counties of *England* and *Wales* are inconvenient to the Inhabitants thereof, and it would conduce to the more cheap, speedy, and effectual Administration of Justice to appoint other Places instead thereof for the holding of Assizes; but Doubts may be entertained whether that Object can be fully effected by virtue of the Statutes herein-before referred to:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of each of the said Statutes as is herein-before recited shall be and the same is hereby repealed.

6 Ric. 2. c. 5.

11 Ric. 2. c. 11.

Recited Statutes in part repealed.

II. And

His Majesty in Council may direct at what Places in any County Assizes and Sessions of Gaol Delivery shall be held, and that they may be holden in more than One Place in a County on the same Circuit.

II. And be it declared and enacted, That His Majesty, by and with the Advice of His Most Honourable Privy Council, shall have Power from Time to Time to order and direct at what Place or Places in any County in *England* or *Wales* the Assizes and Sessions under the Commissions of Gaol Delivery, and other Commissions for the Dispatch of Civil and Criminal Business, shall be holden, and to order and direct such Assizes and Sessions for the Dispatch of Criminal and Civil Business to be holden at more than One Place in the same County on the same Circuit, and to order and direct the Assizes and Sessions under such Commissions for the Dispatch of Criminal Business to be holden for the whole County at One Place, and for the Dispatch of Civil Business at One or more Place or Places in such County, on the same Circuit; and further to order and direct any Special Commissions of Oyer and Terminer and Gaol Delivery to be holden at any One or more Places in any such County.

Power to divide Counties for the Purpose of holding Assizes in different Divisions of the same County.

III. And be it enacted, That in case His Majesty, by and with the Advice of His Most Honourable Privy Council, shall think fit to order and direct that the Assizes or any such Special Commissions shall be holden at more than One Place in any One County, it shall be lawful for His Majesty, by and with the Advice aforesaid, to divide any such County for the Purposes of this Act, and to make Rules and Regulations touching the Venue in all Cases, Civil and Criminal, then pending or thereafter to be pending and to be tried within any Division of such County so to be made as aforesaid; and touching the Liability and Attendance of Jurors, whether Grand Jurors, Special Jurors, or Common Jurors, at the Assizes and Sessions as aforesaid, or at any Sessions under any Special Commissions to be holden within any such Division; and touching the Use of any House of Correction or Prison as a Common Gaol, and the Government and Keeping thereof; and touching the Alterations of any Commissions, Writs, Precepts, or other Proceedings whatsoever for carrying into effect the Purposes of this Act; and touching any other Matters that may be requisite for carrying into effect the Purposes of this Act; and all such Rules and Regulations shall be of the like Force and Effect as if the same had been made by the Authority of Parliament, and shall be notified in the *London Gazette*, or in such other Manner as His Majesty, by and with the Advice of His Most Honourable Privy Council, shall think fit to direct.

Power to direct the Court of Common Pleas at Lancaster to be holden at any One or more Places in the County, and to divide the County for that Purpose.

IV. And be it further enacted, That His Majesty shall have Power from Time to Time, for the Purpose of carrying this Act into effect, to order and direct that the Court of Common Pleas at *Lancaster* shall be holden at any One or more Places in the County Palatine of *Lancaster*, as He shall think fit, and to divide the said County Palatine for the Purpose of the Trial of Civil Causes and the Transaction of other Civil Business in the said Court, and to make the like Rules and Regulations touching the Venue in Civil Cases to be tried within any Division of the said County, and the Liability and Attendance of Jurors, whether Special or Common, at the Court to be held within any such Division, and touching the Alterations of Commissions, Writs, Precepts, or other Proceedings for carrying into effect the Purposes of this Act, and touching any other Matter that may be requisite for carrying into effect

effect the Purposes of this Act; and all such Rules and Regulations shall be of the like Force and Effect as if the same had been made by the Authority of Parliament, and shall be notified in the *London Gazette*, or in such other Manner as His Majesty shall think fit.

CAP. LXXII.

An Act for carrying into effect Two Conventions with the King of the *French* for suppressing the Slave Trade. *5th Dec 41*

[28th August 1833.]

‘ WHEREAS a Convention was concluded between His Majesty and His Majesty the King of the *French*, for rendering more effectual the Means of suppressing the criminal Traffic called the Slave Trade, and signed at *Paris* on the Thirtieth Day of *November* in the Year of our Lord One thousand eight hundred and thirty-one: And whereas by the First Article of the said Convention it was agreed that the mutual Right of Search might be exercised on board the Vessels of each Nation, but only within the Waters herein-after described; namely,

‘ First, Along the Western Coast of *Africa*, from *Cape Verd* to the Distance of Ten Degrees to the South of the Equator, that is to say, from the Tenth Degree of South Latitude to the Fifteenth Degree of North Latitude, and as far as the Thirtieth Degree of West Longitude, reckoning from the Meridian of *Paris*:

‘ Second, All round the Island of *Madagascar*, to the Extent of Twenty Leagues from that Island:

‘ Third, To the same Distance from the Coasts of the Island of *Cuba*:

‘ Fourth, To the same Distance from the Coasts of the Island of *Porto Rico*:

‘ Fifth, To the same Distance from the Coasts of *Brazil*:

‘ It was however understood, that a suspected Vessel, descried and begun to be chased by the Cruizers, while within the said Space of Twenty Leagues, might be searched by them beyond those Limits, if, without ever having lost sight of her, they should only succeed in coming up with her at a greater Distance from the Coast:

‘ And whereas by the Second Article it was agreed, that the Right of searching Merchant Vessels of either of the Two Nations in the Waters herein-before mentioned should be exercised only by Ships of War whose Commanders should have the Rank of Captain, or at least that of Lieutenant in the Navy: And whereas by the Third Article it was agreed, that the Number of Ships to be invested with the said Right should be fixed each Year by a special Agreement, that the Number for each Nation need not be the same, but that in no Case should the Number of the Cruizers of the one Nation be more than Double the Number of the Cruizers of the other: And whereas by the Fourth Article it was agreed, that the Names of the Ships and of their Commanders should be communicated by each of the contracting Governments to the other, and Information should be reciprocally given of all Changes which might take place in the Cruizers: And whereas by the

‘ Fifth

‘ Fifth Article it was agreed, that Instructions should be drawn
‘ up and agreed upon in common by the Two Governments for
‘ the Cruizers of both Nations, which Cruizers should afford to
‘ each other mutual Assistance in all Circumstances in which it
‘ might be useful that they should act in concert; and that the
‘ Ships of War authorized to exercise the reciprocal Right of
‘ Search should be furnished with a special Authority from each
‘ of the Two Governments: And whereas by the Sixth Article it
‘ was agreed, that whenever a Cruiser should have chased and over-
‘ taken a Merchant Vessel, as liable to Suspicion, the Commanding
‘ Officer, before he should proceed to the Search, should exhibit
‘ to the Captain of the Merchant Vessel the special Orders which
‘ confer upon him, by Exception, the Right to visit her; and in
‘ case he should ascertain the Ship’s Papers to be regular, and
‘ her Proceedings lawful, he should certify upon the Log Book of
‘ the Vessel that the Search took place only in virtue of the said
‘ Orders; and that, these Formalities having been completed, the
‘ Vessel should be at liberty to continue her Course: And whereas
‘ by the Seventh Article it was agreed, that the Vessels captured for
‘ being engaged in the Slave Trade, or as being suspected of being
‘ fitted out for that infamous Traffic, should, together with their
‘ Crews, be delivered over, without Delay, to the Jurisdiction of the
‘ Nation to which they should belong; and it was furthermore dis-
‘ tinctly understood, that they should only be judged according to
‘ the Laws in force in their respective Countries: And whereas by
‘ the Eighth Article it was agreed, that in no Case should the
‘ Right of mutual Search be exercised upon the Ships of War of
‘ either Nation; that the Two Governments should agree on a
‘ particular Signal with which those Cruizers only should be fur-
‘ nished which were invested with that Right, and which Signal
‘ should not be made known to any other Ship not employed upon
‘ that Service; and by the Ninth Article the High Contracting
‘ Parties to the said Treaty agreed to invite the other Maritime
‘ Powers to accede to it within as short a Period as possible; and
‘ by the Tenth Article it was agreed, that the then present Con-
‘ vention should be ratified, and the Ratifications of it should be
‘ exchanged within One Month, or sooner, if it were possible:
‘ And whereas the said Convention was ratified by and between
‘ His Majesty and His Majesty the King of the *French* respectively,
‘ and such Ratifications were exchanged on the Sixteenth Day of
‘ *December* One thousand eight hundred and thirty-one: And
‘ whereas a Supplementary Convention was concluded between
‘ His Majesty and His Majesty the King of the *French* for the more
‘ effectual Suppression of the Traffic in Slaves, and signed at *Paris*
‘ on the Twenty-second Day of *March* in the Year of our Lord
‘ One thousand eight hundred and thirty-three: And whereas by
‘ the First Article of the said Supplementary Convention it was
‘ agreed, that whenever a Merchant Vessel navigating under the
‘ Flag of one of the said Two Nations should have been detained
‘ by the Cruizers of the other, duly authorized to that effect, con-
‘ formably to the Provisions of the said Convention of the Thirtieth
‘ Day of *November* in the Year One thousand eight hundred and
‘ thirty-one, such Merchant Vessel, and also her Master, her Crew,
‘ her Cargo, and the Slaves who might be on board, should be
‘ carried

‘ carried to such Places as should have been appointed by the Contracting Parties respectively, in order that Proceedings might be there instituted respecting them, agreeably to the Laws of each Country, and that they should be delivered over to the Authorities appointed for that Purpose by the respective Governments; and that when the Commander of the Cruiser should not think proper to take upon himself the carrying in and delivering up the detained Vessel, he should not entrust that Duty to an Officer below the Rank of Lieutenant in the Navy: And whereas by the Second Article of the said Supplementary Convention it was agreed, that the Cruizers of the Two Nations authorized to exercise the Right of Visit and Detention, in execution of the Convention of the Thirtieth Day of *November* One thousand eight hundred and thirty-one, should, in all that relates to the Formalities of the Visit and of the Detention, as well as to the Measures to be taken for delivering up Vessels suspected of being engaged in the Slave Trade to the respective Jurisdictions, conform strictly to the Instructions annexed to the said Supplementary Convention, and which should be considered as an integral Part thereof; and the said Two High Contracting Parties reserved to themselves the Power of making in those Instructions, by common Consent, any Modifications which Circumstances might render necessary: And whereas, in conformity with the Second Article of the said Supplementary Convention, it was agreed, that the Instructions next following should be annexed to the said Supplementary Convention, and considered as an integral Portion thereof; (that is to say,)

‘ INSTRUCTIONS TO CRUIZERS.

‘ First. Whenever a Merchant Vessel of either of the Two Nations shall be visited by a Cruiser of the other, the Officer commanding the Cruiser shall exhibit to the Master of such Vessel the special Orders which confer upon him the exceptional Right of Visit, and shall deliver to him a Certificate signed by him, specifying his Rank in the Navy of his Country, with the Name of the Ship which he commands, and declaring that the only Object of such Visit is to ascertain whether the Vessel is engaged in the Slave Trade, or is fitted out for the Purposes of such Traffic. When the Visit is made by another Officer of the Cruiser than her Commander, this Officer shall not be under the Rank of Lieutenant in the Navy, and in this Case such Officer shall exhibit to the Master of the Merchant Vessel a Copy of the special Orders above mentioned, signed by the Commander of the Cruiser, and shall likewise deliver to him a Certificate signed by him, specifying the Rank which he holds in the Navy, the Name of the Commander under whose Orders he is acting, and of the Cruiser to which he belongs, and the Object of his Visit, as herein-before recited. If it shall be ascertained by the Visit that the Ship’s Papers are regular, and her Proceedings lawful, the Officer shall certify upon the Log Book of the Vessel that the Visit took place only in virtue of the special Orders above mentioned; and the Vessel shall be permitted to continue her Course.

‘ Secondly

- ‘ Secondly. If, in consequence of the Visit, the Officer commanding the Cruizer shall be of opinion that there are sufficient Grounds for believing that the Vessel is engaged in the Slave Trade, or has been fitted out for that Traffic, and if he shall in consequence determine to detain her, and to have her delivered up to the respective Jurisdiction, he shall forthwith cause a List to be made out in Duplicate of all the Papers found on board, and he shall sign this List and the Duplicate, adding to his Name his Rank in the Navy, and the Name of the Vessel under his Command. He shall in like Manner make out and sign in Duplicate a Declaration, stating the Place and Time of the Detention, the Name of the Vessel, that of her Master, and those of the Persons composing her Crew, and also the Number and Condition of the Slaves found on board. This Declaration shall further contain an exact Description of the State of the Vessel and her Cargo.
- ‘ Thirdly. The Commander of the Cruizer shall without Delay carry or send the detained Vessel, with her Crew, Cargo, and the Slaves found on board, to one of the Ports herein-after specified, in order that Proceedings may be instituted in regard to them conformably to the respective Laws of each Country; and he shall deliver the same to the competent Authorities, or to the Persons who shall have been specially appointed for that Purpose by the respective Governments.
- ‘ Fourthly. No Person whatever shall be taken out of the detained Vessel, nor shall any Part of her Cargo, nor of the Slaves found on board, be removed from her until after such Vessel shall have been delivered over to the Authorities of her own Nation, excepting only when the Removal of the Whole or of Part of the Crew, or of the Slaves found on board, shall be deemed necessary either for the Preservation of their Lives, or from any other Consideration of Humanity, or for the Safety of the Person who shall be charged with the Navigation of the Vessel after her Detention. In this Case the Commander of the Cruizer, or the Officer appointed to bring in the detained Vessel, shall make a Declaration of such Removal, in which he shall specify the Reasons for the same; and the Masters, Sailors, Passengers, or Slaves so removed shall be carried to the same Port as the Vessel and her Cargo, and they shall be received in the same Manner as the Vessel, agreeably to the Regulations herein-after set forth.
- ‘ Fifthly. All such *French* Vessels as shall be detained by the Cruizers of His *Britannic* Majesty on the *African* Station shall be carried and delivered up to the *French* Jurisdiction at *Goree*:
 - ‘ All such *French* Vessels as shall be detained by the *British* Squadron on the *West India* Station shall be carried and delivered up to the *French* Jurisdiction at *Martinique*:
 - ‘ All such *French* Vessels as shall be detained by the *British* Squadron on the *Madagascar* Station shall be carried

‘ ried and delivered up to the *French* Jurisdiction at the *Isle of Bourbon* :

‘ All such *French* Vessels as shall be detained by the *British* Squadron on the *Brazilian* Station shall be carried and delivered up to the *French* Jurisdiction at *Cayenne* :

‘ All such *British* Vessels as shall be detained by the Cruizers of His Majesty the King of the *French* on the *African* Station shall be carried and delivered up to the Jurisdiction of His *Britannic* Majesty at *Bathurst* on the River *Gambia* :

‘ All such *British* Vessels as shall be detained by the *French* Squadron on the *West India* Station shall be carried and delivered up to the *British* Jurisdiction at *Port Royal* in *Jamaica* :

‘ All such *British* Vessels as shall be detained by the *French* Squadron on the *Madagascar* Station shall be carried and delivered up to the *British* Jurisdiction at the *Cape of Good Hope* :

‘ All such *British* Vessels as shall be detained by the *French* Squadron on the *Brazilian* Station shall be carried and delivered up to the *British* Jurisdiction at the Colony of *Demerara*.

‘ Sixthly. As soon as a Merchant Vessel which shall have been detained as aforesaid shall arrive at one of the Ports or Places above mentioned, the Commander of the Cruizer, or the Officer appointed to bring in the detained Vessel, shall forthwith deliver to the Authorities, duly appointed for that Purpose by the respective Governments, the Vessel and her Cargo, together with the Master, Crew, Passengers, and Slaves found on board, as also the Papers which shall have been seized on board the Vessel, and one of the Lists made out in Duplicate of the said Papers, the other remaining in his Possession : such Officers shall at the same Time deliver to the said Authorities one of the Declarations made out in Duplicate as herein-before specified, adding thereto a Statement of any Changes which may have taken place from the Time of the Detention to that of the Delivery, as well as a Copy of the Declaration of any Removals which may have taken place as above provided for. In delivering over these several Documents the Officer will make Attestation of their Truth on Oath and in Writing.

‘ Seventhly. If the Commander of a Cruizer of either of the High Contracting Parties, who shall be duly furnished with the aforesaid special Instructions, shall have reason to suspect that a Merchant Vessel sailing under Convoy or in Company with a Ship of War of the other Party is engaged in the Slave Trade, or has been fitted out for the Purpose of that Traffic, he shall confine himself to the communicating his Suspicions to the Commander of the Convoy or of the Ship of War, and he shall leave it to the latter to proceed alone to a Visit of the suspected

- ‘ Vessel, and to deliver her up, if the Case require it, to the
- ‘ Jurisdiction of her own Country.
- ‘ Eighthly. The Cruizers of the Two Nations shall conform
- ‘ strictly to the Tenor of these Instructions, which are to be
- ‘ considered as a Development of the Clauses of the Prin-
- ‘ cipal Convention of the Thirtieth of *November* One thou-
- ‘ sand eight hundred and thirty-one, as well as of the said
- ‘ Supplementary Convention to which they are annexed.
- ‘ And whereas by the Third Article of the aforesaid Supplementary
- ‘ Convention it was agreed that it was clearly understood, that if
- ‘ the Commander of a Cruizer of one of the Two Nations should
- ‘ have reason to suspect that a Merchant Vessel navigating under
- ‘ Convoy of or in Company with a Vessel of War of the other
- ‘ Nation had engaged in the Slave Trade, or had been fitted out
- ‘ for the said Trade, he should make known his Suspicions to the
- ‘ Commander of the Convoy or Vessel of War, who should proceed
- ‘ alone to visit the suspected Vessel, and in case the latter Com-
- ‘ mander should find that the Suspicion was well founded, he should
- ‘ cause the Vessel to be taken, together with her Master, her Crew,
- ‘ and the Cargo and the Slaves who might be on board, into a
- ‘ Port of his own Nation, in order that Proceedings might be insti-
- ‘ tuted with regard to them agreeably to the respective Law: And
- ‘ whereas by the Fourth Article of the aforesaid Supplementary
- ‘ Convention it was agreed, that as soon as any Merchant Vessel
- ‘ detained and sent before the Tribunals aforesaid should arrive at
- ‘ one of the Ports respectively pointed out, the Commander of the
- ‘ Cruizer which should have detained her, or the Officer appointed
- ‘ to bring her in, should deliver to the Authorities appointed for
- ‘ that Purpose One Copy signed by him of all the Lists, Declara-
- ‘ tions, and other Documents specified in the before-mentioned
- ‘ Instructions annexed to the said Supplementary Convention; and
- ‘ the said Authorities should in consequence proceed to a Survey
- ‘ of the detained Vessel and her Cargo, and to an Inspection of
- ‘ her Crew and of the Slaves who might be on board, after having
- ‘ previously given Notice of the Time of such Survey and Inspection
- ‘ to the Commander of the Cruizer, or to the Officer who should
- ‘ have brought in the Vessel, in order that he or some Person in
- ‘ his Behalf might be present thereat; and that a Declaration of
- ‘ such Proceedings should be drawn up in Duplicate, signed by the
- ‘ Persons who should have acted therein or been present at the
- ‘ same, and One of the said Declarations should be delivered to the
- ‘ Commander of the Cruizer, or to the Officer who should have
- ‘ been appointed to bring in the detained Vessel: And whereas by
- ‘ the Fifth Article to the aforesaid Supplementary Convention it
- ‘ was agreed, that the Vessels detained as before mentioned, their
- ‘ Masters, Crews, and Cargoes, should be forthwith proceeded
- ‘ against before the proper Tribunals in the respective Countries,
- ‘ according to the established Forms, and if, in consequence of such
- ‘ Proceedings, the said Vessels should be found to have been em-
- ‘ ployed in the Slave Trade, or to have been fitted out for the
- ‘ Purposes thereof, the Master, the Crew, and the Accomplices, as
- ‘ well as the Ship and Cargo, should be dealt with conformably to
- ‘ the respective Laws of the Two Countries; and that in case the said
- ‘ Vessel

- ‘ Vessel should be confiscated a Portion of the Proceeds arising from
- ‘ their Sale should be paid into the Hands of the Government to
- ‘ which the Captor should belong, to be distributed among the
- ‘ Officers and Crew of the capturing Ship ; that this Portion should
- ‘ be Sixty-five *per Centum* of the Net Produce of the Sale, as long
- ‘ as such a Distribution of the Proceeds should be consistent with
- ‘ the respective Laws of the Two Countries : And whereas by the
- ‘ Sixth Article of the said Supplementary Convention it was agreed,
- ‘ that any Merchant Vessel of either of the Two Nations visited
- ‘ and detained in pursuance of the Convention of the Thirtieth of
- ‘ November One thousand eight hundred and thirty-one, and of the
- ‘ Provisions herein-before recited, should, unless Proof were given
- ‘ to the contrary, be held and taken of right to have engaged in
- ‘ the Slave Trade, or to have been fitted out for the Purposes
- ‘ of such Traffic, if any of the Particulars therein-after specified
- ‘ should be found in her Outfit or Equipment, or on board of her ;
- ‘ *videlicet*,
- ‘ First, Having her Hatches fitted with open Gratings, instead
- ‘ of being close Hatches, as usual in Merchant Vessels :
- ‘ Second, Having more Divisions or Bulk Heads in the Hold or
- ‘ on Deck than necessary for trading Vessels :
- ‘ Third, Having on board spare Planks, either actually fitted in
- ‘ that Shape, or fit for readily laying a second or moveable
- ‘ Deck, or Slave Deck :
- ‘ Fourth, Having on board Shackles, Bolts, or Handcuffs :
- ‘ Fifth, Having on board a Supply of Water more than sufficient
- ‘ for the Consumption of her Crew as a Merchant Vessel :
- ‘ Sixth, Having on board an unreasonable Number of Water
- ‘ Casks or other Vessels for holding Water, unless the Master
- ‘ should produce a Certificate from the Custom House of
- ‘ the Place at which he cleared outwards, stating that a
- ‘ sufficient Security had been given by the Owners of such
- ‘ Vessel that such Casks or other Vessels should only be
- ‘ used for the Reception of Palm Oil, or be employed in
- ‘ any other lawful Trade :
- ‘ Seventh, Having on board a greater Quantity of Mess Tubs or
- ‘ Kids than requisite for the Use of her Crew as a Merchant
- ‘ Vessel :
- ‘ Eighth, Having on board Two or more Copper Boilers or even
- ‘ One evidently larger than requisite for the Use of her
- ‘ Crew as a Merchant Vessel :
- ‘ Ninth, Having on board a Quantity of Rice, or Farinha Flour
- ‘ of the Manioc of *Brazil* or Cassada, or Maize or *Indian*
- ‘ Corn, beyond any probable requisite Provision for the Use
- ‘ of her Crew, and such Rice, Flour, Maize or *Indian* Corn
- ‘ not being entered in the Manifest as Part of the Cargo for
- ‘ Trade :
- ‘ And whereas by the Seventh Article of the said Supplementary
- ‘ Convention it was agreed that no Compensation should in any
- ‘ Case be granted either to the Master or to the Owner or to any
- ‘ other Person interested in the Equipment or Lading of a Mer-
- ‘ chant Vessel in which any of the Particulars specified in the
- ‘ preceding Article should be found, even if the Tribunals should
- ‘ not pronounce any Condemnation, in consequence of her Deten-
- ‘ tion ;

' tion : And whereas by the Eighth Article of the said Supple-
 ' mentary Convention it was agreed, that when a Merchant Vessel
 ' of either of the Two Nations should have been visited and detained
 ' illegally, or without sufficient Cause of Suspicion, or when the
 ' Visit and Detention should have been attended with any Abuse or
 ' vexatious Act, the Commander of the Cruizer, or the Officer who
 ' should have boarded the said Vessel, or the Officer who should
 ' have been appointed to bring her in, as the Case might be, should
 ' be liable to Costs and Damages to the Master and to the Owners
 ' of the Vessel and Cargo ; that those Costs and Damages might be
 ' awarded by the Tribunal before which the Proceedings against
 ' the detained Vessel, her Master, Crew, and Cargo, should have
 ' been instituted ; and the Government of the Country to which the
 ' Officer who gave Occasion for such Award should belong should
 ' pay the Amount of the said Costs and Damages within the
 ' Period of One Year from the Date of the Award : And whereas
 ' by the Ninth Article of the said Supplementary Convention it
 ' was agreed, that if in the Visit or Detention of a Merchant Vessel
 ' made in virtue of the Provisions of the said Convention of the
 ' Thirtieth of *November* One thousand eight hundred and thirty-
 ' one, or of the said present Convention, any Abuse or Vexation
 ' should have been committed, but the Vessel should not have been
 ' delivered over to the Jurisdiction of her own Nation, the Master
 ' of the Vessel should make a Declaration on Oath of the Abuses
 ' or Vexations of which he had to complain, and of the Costs and
 ' Damages to which he laid claim, before the competent Authorities
 ' in the first Port of his own Country at which he might arrive,
 ' or before the Consular Agent of his Nation, if the Vessel should
 ' proceed to a Foreign Port where there was such an Agent ; that
 ' this Declaration should be confirmed by an Examination under
 ' Oath of the principal Persons of the Crew or Passengers who
 ' had witnessed the Visit or Detention, and One formal Declaration
 ' of the whole should be drawn up, and Two Copies thereof
 ' delivered to the Master, who should forward One of them to his
 ' own Government in support of his Claim for Costs and Damages ;
 ' and that it was understood, that if any compulsory Circumstances
 ' should prevent the Master from making his Declaration, it might
 ' be made by the Owner or by any other Person interested in the
 ' Vessel or in her Cargo ; that on the official Transmission of One
 ' Copy of the formal Declaration above mentioned through the
 ' Channel of the respective Embassies, the Government of the
 ' Country to which the Officer charged with Abuses or Vexations
 ' should belong should forthwith institute an Inquiry into the
 ' Matter, and if the Validity of the Complaint should be admitted,
 ' the said Government should cause to be paid to the Master or
 ' Owner, or to any other Person interested in the Vessel which
 ' should have been molested, or in her Cargo, the Amount of
 ' Costs and Damages which might be due to them : And whereas
 ' by the Tenth Article of the said Supplementary Convention it
 ' was agreed, and the Two Governments did engage reciprocally
 ' to communicate each to the other, free of Expence, and upon
 ' Application being made, Copies of all the Proceedings instituted
 ' and Judgments given relative to Vessels visited or detained in
 ' execution of the Provisions of the said Convention of the Thirtieth

' Day of *November* in the Year of our Lord One thousand eight
 ' hundred and thirty-one, and of the said present Convention : And
 ' whereas by the Eleventh Article of the said Supplementary Con-
 ' vention the Two Governments did agree to insure the immediate
 ' Freedom of all Slaves who should be found on board Vessels
 ' visited and detained in virtue of the Stipulations of the Principal
 ' Convention therein-before referred to, or of the said present
 ' Convention, whenever the Offence of trafficking in Slaves should
 ' have been established by the Sentence of the respective Tribunals;
 ' the Two Governments did however, by the said last-mentioned
 ' Article, reserve to themselves, for the Welfare of the Slaves
 ' themselves, the Right to employ them as Servants or Free
 ' Labourers, conformably to their respective Laws : And whereas by
 ' the Twelfth Article of the said Supplementary Convention it was
 ' agreed between the Two High Contracting Parties, that in all
 ' Cases in which a Vessel under the said Convention of the Thirtieth
 ' Day of *November* in the Year of our Lord One thousand eight
 ' hundred and thirty-one, or under the said Supplementary Con-
 ' vention, should be detained by their respective Cruizers as having
 ' been engaged in the Slave Trade or fitted out for the Purposes
 ' thereof, and should be placed at the Disposal of either Govern-
 ' ment for the Purpose of being sold in consequence of a Sentence
 ' of Confiscation pronounced by a competent Tribunal, the said
 ' Vessel should be broken up, in whole or in part, before the
 ' Sale, whenever its peculiar Construction or Outfit should give
 ' reason to fear that it might be again employed in the Slave Trade
 ' or any other illicit Traffic : And whereas by the Thirteenth and
 ' last Article of the said Supplementary Convention it was agreed
 ' that the said present Convention should be ratified, and the
 ' Ratifications should be exchanged at *Paris* within the Space of
 ' One Month, or sooner if possible : And whereas the said Sup-
 'plementary Convention was ratified by and between His Majesty
 ' and His Majesty the King of the *French* respectively, and such
 ' Ratifications were exchanged on the Twelfth Day of *April* in the
 ' Year of our Lord One thousand eight hundred and thirty-three :
 ' And whereas it is expedient and necessary that effectual Provision
 ' should be made for carrying into execution the Provisions of the
 ' Convention aforesaid : ' Be it therefore enacted by the King's most
 Excellent Majesty, by and with the Advice and Consent of the
 Lords Spiritual and Temporal, and Commons, in this present Par-
 liament assembled, and by the Authority of the same, That it shall
 be lawful for any Officer commanding any Ship of War of His
 Majesty or of the King of the *French*, who shall have such Rank
 as by the said Second Article of the said first-mentioned Convention
 is agreed, and shall be duly instructed and authorized and furnished
 according to the several Provisions of the said Two Conventions,
 and within the Waters described, and according to the Provisions
 and Exceptions contained in the First Article of the said first-men-
 tioned Convention, to exercise the Right of visiting and searching
 any Merchant Vessel of either of the said Two Nations liable to
 Suspicion, and suspected of having engaged in or of having been
 employed in the Slave Trade, or of having been fitted out for the
 Purposes of such Traffic, according to the several Provisions and
 Instructions of the said Two Conventions, except as in the said

Commanders of
 Ships of War to
 exercise Right
 of searching
 Merchant
 Vessels liable to
 Suspicion and
 suspected of
 being engaged
 in the Slave
 Trade.

Third Article of the said Supplementary Convention is excepted, and, upon sufficient Grounds, of detaining, and of sending or carrying in and delivering over without Delay any such Vessel, together with its Master, Sailors, Passengers, Slaves, and Cargo, to the Authorities appointed for the Purposes of the said Two Conventions, by the respective Governments of the said Two Nations, and to one of the Jurisdictions in the said Instructions mentioned, in order that Proceedings may be instituted conformably to the respective Laws of the said Two Countries; and all such Commanders of His said Majesty's Ships are hereby authorized and required, in the Exercise of such Rights of visiting, searching, detaining, sending, carrying in, and delivering as aforesaid, to execute, perform, and comply with the said several Provisions and Instructions of the said Two Conventions as apply thereto respectively.

In case of
French Officers
detaining
British Vessels,
Proceedings to
be conducted in
Name of His
Majesty.

II. And be it further enacted, That where any such Officer of His Majesty the King of the *French* shall send, carry, or deliver over as aforesaid any such Merchant Vessel, wholly or in part owned by any Subject or Subjects of His Majesty the King of the United Kingdom of *Great Britain and Ireland*, all and every Proceeding instituted in the Tribunals herein-after mentioned in regard to such Merchant Vessel, and its Crew, Cargo, and Slaves, and in respect to the Cause, shall be conducted in the Name of His said Majesty the King of the United Kingdom of *Great Britain and Ireland* by some Person duly thereunto authorized; that is to say, all Ships, Cargoes, and Slaves which shall be detained by the Cruizers of His Majesty the King of the *French*, and delivered up to the Jurisdiction of His Majesty at *Bathurst* on the River *Gambia*, shall be proceeded against and adjudicated in the Vice Admiralty Court at *Sierra Leone*; and that all other Ships, Cargoes, and Slaves which may in like Manner be detained by the Cruizers of His Majesty the King of the *French*, and delivered up to the Jurisdiction of His Majesty either at *Jamaica*, *Cape of Good Hope*, or *Demerara*, shall be proceeded against and adjudicated in the Vice Admiralty Court established in the said Colonies respectively; and the Judges and other Officers of the said Vice Admiralty Courts respectively are hereby authorized to take cognizance thereof accordingly.

Vessels detained
in pursuance of
the Two Con-
ventions to be
held as engaged
in the Slave
Trade.

5 G. 4. c. 113.

III. And be it further enacted and declared, That any such Merchant Vessel, wholly or in part owned as last aforesaid, visited and detained in pursuance of the said Two Conventions, shall, unless Proof be given to the contrary, be held and taken to have engaged in the Slave Trade, or to have been fitted out for the Purposes of such Traffic, and equipped and employed in the Objects declared unlawful by an Act of Parliament passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade*, if any of the Particulars specified in the said Sixth Article of the said Convention of the Twenty-second Day of *March* One thousand eight hundred and thirty-three shall be found in her Outfit or Equipment, or on board of her.

Where a British
Vessel is confis-
cated by a
French Officer,
Proceeds may
be apportioned

IV. And be it further enacted, That in case any such Merchant Vessel, wholly or in part owned as last aforesaid, shall be brought in by any Officer of His Majesty the King of the *French* duly authorized, and shall be confiscated according to the Laws of this Country and the Provisions of the said Two Conventions, and of the

the said Act of Parliament passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, it shall be lawful for His Majesty the King of the United Kingdom of *Great Britain* and *Ireland* to direct that a Portion of the Proceeds arising from the Sale thereof shall be paid into the Hands of the Government of His Majesty the King of the *French*, according to the Provisions of the Fifth Article of the said Convention of the Twenty-second Day of *March* One thousand eight hundred and thirty-three; and that any Portion of the Proceeds arising from the Sale of any Ship agreed to be paid into the Hands of the Government of His Majesty the King of the United Kingdom of *Great Britain* and *Ireland*, according to the Provisions of the said Fifth Article last aforesaid, or Cargo, shall be paid to such Person or Persons as the Commissioners of His Majesty's Treasury may direct or appoint to receive the same, to and for the Use of the Captors, according to the Provisions of the said Fifth Article; and that the same, after deducting all necessary Expences, shall be distributed to and amongst the Officers and Crew of the capturing Ship in the Manner hereafter directed for the Distribution of Bounties on Slaves taken on board the said Vessel.

according to Fifth Article of Convention.

V. And be it further enacted, That there shall be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* to the Commanders, Officers, and Crews of His Majesty's Ships authorized to make Seizures under the aforesaid Convention of the Twenty-second *March* One thousand eight hundred and thirty-three, a Bounty of Five Pounds of lawful Money of *Great Britain* for every Man, Woman, and Child Slave seized and found on board a *British* or *French* Ship or Vessel taken, delivered over, and condemned in pursuance of the Provisions of the said Conventions and of this Act, such Bounty to be issued and paid by Order from the said Commissioners of His Majesty's Treasury, and to be distributed to and amongst the Captors aforesaid in such Manner and Proportions as His Majesty, His Heirs and Successors, shall think fit to order and direct by any Order or Orders in Council, or by any Proclamation or Proclamations to be made for that Purpose.

A Bounty of 5*l.* for every Slave found on board of Vessels seized and condemned.

VI. Provided always, and be it further enacted, That, in order to entitle the Captors to receive the said Bounty Money, the Numbers of Men, Women, and Children so taken, delivered over, and condemned shall be proved to the Commissioners of His Majesty's Treasury by producing a Copy, duly certified, of the Sentence or Decree of Condemnation, and also a Certificate under the Hand of the proper Officer or Officers, Military or Civil, who may be appointed to receive such Slaves.

Mode of obtaining such Bounty.

VII. And be it further enacted, That where any Slaves, or Persons treated, dealt with, carried, kept, or detained as Slaves, shall be taken or seized on board any *British* or *French* Ship or Vessel in pursuance of the Provisions of the said Conventions and of this Act, but who shall not have been condemned or shall not have been delivered over in consequence of Death, Sickiness, or other inevitable Circumstance, it shall and may be lawful for the said Commissioners of His Majesty's Treasury, if to their Discretion it shall seem meet, by Warrant signed by any Three or more of them, to direct the Payment out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* of One Moiety of the

Where Slaves taken shall not have been condemned, or shall not have been delivered over, the Treasury may allow One Moiety of the Bounty.

the Bounty which would have been due in each Case respectively if the said Slaves had been delivered over and condemned.

Parties claiming Benefit under this Act may resort to the Court of Admiralty.

VIII. Provided also, and be it further enacted, That any Party or Parties claiming any Benefit by way of Bounty under the Provisions of this Act, or of any Share of the Proceeds of any *French* Vessel confiscated in pursuance of the Provisions of the aforesaid Conventions, shall and may resort to the High Court of Admiralty for the Purpose of obtaining the Judgment of the said Court in that Behalf; and that it shall and may be lawful for the Judge of the said High Court of Admiralty to determine thereon, and also to hear and determine any Question of joint Capture which may arise upon any Seizure made in pursuance of this Act, and enforce any Decrees or Sentences of the said Vice Admiralty Courts relating to any such Seizure.

Regulations to which Prize Agents are liable extended to Bounties, &c. under this Act.

IX. And be it further enacted, That all the Provisions, Rules, Regulations, Forfeitures, and Penalties respecting the Delivery by Prize Agents of Accounts for Examination, and the Distribution of Prize Money, and the accounting for and paying over the Proceeds of Prize and the Per-centage due thereon to *Greenwich* Hospital, shall be and are hereby extended to all Bounties and Proceeds to be distributed under the Provisions of this Act to the Officers and Crews of any of His Majesty's Ships or Vessels of War.

Where illegal Detention made, Lords of the Treasury may award Compensation.

X. And be it further enacted, That where any illegal Visit and Detention, or any Visit and Detention without sufficient Cause of Suspicion, or any Abuse or Vexation, shall have taken place and have been made by any Officer of His Majesty the King of the United Kingdom of *Great Britain and Ireland*, as is mentioned in the Eighth and Ninth Articles of the said Convention of the Twenty-second Day of *March* One thousand eight hundred and thirty-three, it shall be lawful for the Lords Commissioners of His Majesty's Treasury, by Warrant signed by any Three or more of them, to direct Payment to be made out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland* of any Costs and Damages which may be duly awarded according to the Provisions of the said Two last-mentioned Articles: Provided always, that nothing herein contained shall exempt such Officer from his Liability to make good the Payments so made when lawfully called upon by Order of the said Lords Commissioners of His Majesty's Treasury.

Where Judgment shall be given against the Seizor, or the Seizure shall be relinquished, the Treasury may direct Payment of the Seizor's Costs.

XI. And be it further enacted, That when any Seizure shall be made by any of the Commanders, Officers, and Crews of His Majesty's Ships authorized to make Seizures under the aforesaid Convention of the Twenty-second *March* One thousand eight hundred and thirty-three, and Judgment shall be given against the Seizor, or such Seizure shall be relinquished by him, it shall be lawful for the said Lords Commissioners of His Majesty's Treasury, if to their Discretion it shall seem meet, by Warrant signed by any Three or more of them, to direct Payment to be made out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland* of such Costs and Expences as the said Seizor may have incurred in respect of such Seizure, or any proportionate Part thereof.

In all Actions commenced under this Act,

XII. And be it further enacted, That if any Action or Suit shall be commenced, either in *Great Britain* or elsewhere, against any Person

Person or Persons for any thing done in pursuance of the said Conventions, or the Instructions or Regulations thereto annexed, or of this Act in as far as it relates thereto, the Defendant or Defendants in such Action or Suit may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of the said Conventions, Instructions, or Regulations, or of this Act; and if it shall appear so to have been done, the Jury shall find for the Defendant or Defendants; and if the Plaintiff shall be nonsuited, or discontinue his Action after the Defendant or Defendants shall have appeared, or if Judgment shall be given upon any Verdict or Demurrer against the Plaintiff, the Defendant or Defendants shall recover Treble Costs, and have the like Remedy for the same as Defendants have in other Cases by Law.

Defendant may
plead the General Issue.

CAP. LXXIII.

An Act for the Abolition of Slavery throughout the *British* Colonies; for promoting the Industry of the manumitted Slaves; and for compensating the Persons hitherto entitled to the Services of such Slaves.

[28th August 1833.]

‘ WHEREAS divers Persons are holden in Slavery within
 ‘ divers of His Majesty’s Colonies, and it is just and expedient that all such Persons should be manumitted and set free,
 ‘ and that a reasonable Compensation should be made to the Persons hitherto entitled to the Services of such Slaves for the Loss
 ‘ which they will incur by being deprived of their Right to such Services: And whereas it is also expedient that Provision should
 ‘ be made for promoting the Industry and securing the good Conduct of the Persons so to be manumitted, for a limited Period
 ‘ after such their Manumission: And whereas it is necessary that
 ‘ the Laws now in force in the said several Colonies should forthwith be adapted to the new State and Relations of Society therein
 ‘ which will follow upon such general Manumission as aforesaid of
 ‘ the said Slaves; and that, in order to afford the necessary Time
 ‘ for such Adaptation of the said Laws, a short Interval should
 ‘ elapse before such Manumission should take effect:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *August* One thousand eight hundred and thirty-four all Persons who in conformity with the Laws now in force in the said Colonies respectively shall on or before the First Day of *August* One thousand eight hundred and thirty-four have been duly registered as Slaves in any such Colony, and who on the said First Day of *August* One thousand eight hundred and thirty-four shall be actually within any such Colony, and who shall by such Registries appear to be on the said First Day of *August* One thousand eight hundred and thirty-four of the full Age of Six Years or upwards, shall by force and virtue of this Act, and without the previous Execution of any Indenture of Apprenticeship, or other Deed or Instrument for that Purpose,

This Act is a confession of the slaves who are usually free at date of Act 1833.

All Persons who on the 1st August 1834 shall have been registered as Slaves, and shall appear on the Registry to be Six Years old or upwards, shall from that Day become apprenticed Labourers.

pose, become and be apprenticed Labourers; provided that, for the Purposes aforesaid, every Slave engaged in his ordinary Occupation on the Seas shall be deemed and taken to be within the Colony to which such Slave shall belong.

Who entitled to Services of the Slave as an apprenticed Labourer.

II. And be it further enacted, That during the Continuance of the Apprenticeship of any such apprenticed Labourer such Person or Persons shall be entitled to the Services of such apprenticed Labourer as would for the Time being have been entitled to his or her Services as a Slave if this Act had not been made.

All Slaves brought into the United Kingdom with Consent of Possessors, free.

III. Provided also, and be it further enacted, That all Slaves who may at any Time previous to the passing of this Act have been brought with the Consent of their Possessors, and all apprenticed Labourers who may hereafter with the like Consent be brought, into any Part of the United Kingdom of *Great Britain and Ireland*, shall from and after the passing of this Act be absolutely and entirely free to all Intents and Purposes whatsoever.

Apprenticed Labourers to be divided into Three Classes, viz. prædial attached, prædial unattached, and non-prædial.

IV. And whereas it is expedient that all such apprenticed Labourers should, for the Purposes herein-after mentioned, be divided into Three distinct Clauses, the First of such Classes consisting of prædial apprenticed Labourers attached to the Soil, and comprising all Persons who in their State of Slavery were usually employed in Agriculture, or in the Manufacture of Colonial Produce or otherwise, upon Lands belonging to their Owners; the Second of such Classes consisting of prædial apprenticed Labourers not attached to the Soil, and comprising all Persons who in their State of Slavery were usually employed in Agriculture, or in the Manufacture of Colonial Produce or otherwise, upon Lands not belonging to their Owners; and the Third of such Classes consisting of non-prædial apprenticed Labourers, and comprising all apprenticed Labourers not included within either of the Two preceding Classes: Be it therefore enacted, That such Division as aforesaid of the said apprenticed Labourers into such Classes as aforesaid shall be carried into effect in such Manner and Form and subject to such Rules and Regulations as shall for that Purpose be established under such Authority, and in and by such Acts of Assembly, Ordinances, or Orders in Council, as herein-after mentioned: Provided always, that no Person of the Age of Twelve Years and upwards shall by or by virtue of any such Act of Assembly, Ordinance, or Order in Council be included in either of the said Two Classes of prædial apprenticed Labourers unless such Person shall for Twelve Calendar Months at the least next before the passing of this present Act have been habitually employed in Agriculture or in the Manufacture of Colonial Produce.

Proviso.

Apprenticeship of the prædial Labourers not to continue beyond 1st Aug. 1840;

V. And be it further enacted, That no Person who by virtue of this Act, or of any such Act of Assembly, Ordinance, or Order in Council as aforesaid, shall become a prædial apprenticed Labourer, whether attached or not attached to the Soil, shall continue in such Apprenticeship beyond the First Day of *August* One thousand eight hundred and forty; and that during such his or her Apprenticeship no such prædial apprenticed Labourer, whether attached or not attached to the Soil, shall be bound or liable, by virtue of such Apprenticeship, to perform any Labour in the Service of his or her Employer or Employers for more than Forty-five Hours in the whole in any One Week.

VI. And

VI. And be it further enacted, That no Person who by virtue of this Act, or of any such Act of Assembly, Ordinance, or Order in Council as aforesaid, shall become a non-prædial apprenticed Labourer, shall continue in such Apprenticeship beyond the First Day of *August* One thousand eight hundred and thirty-eight.

of the non-prædial Labourers not beyond
1st Aug. 1838.

VII. And be it further enacted, That if before any such Apprenticeship shall have expired the Person or Persons entitled for and during the Remainder of any such Term to the Services of such apprenticed Labourer shall be desirous to discharge him or her from such Apprenticeship, it shall be lawful for such Person or Persons so to do by any Deed or Instrument to be by him, her, or them for that Purpose made and executed; which Deed or Instrument shall be in such Form, and shall be executed and recorded in such Manner and with such Solemnities, as shall for that Purpose be prescribed under such Authority, and in and by such Acts of Assembly, Ordinances, or Orders in Council, as herein-after mentioned: Provided nevertheless, that if any Person so discharged from any such Apprenticeship by any such voluntary Act as aforesaid shall at that Time be of the Age of Fifty Years or upwards, or shall be then labouring under any such Disease or mental or bodily Infirmary as may render him or her incapable of earning his or her Subsistence, then and in every such Case the Person or Persons so discharging any such apprenticed Labourer as aforesaid shall continue and be liable to provide for the Support and Maintenance of such apprenticed Labourer during the remaining Term of such original Apprenticeship, as fully as if such apprenticed Labourer had not been discharged therefrom.

Before the Apprenticeship is expired, the Labourer may be discharged by the voluntary Act of his Employer.

In case of the voluntary Discharge of aged or infirm apprenticed Labourers, the Employer to continue liable for their Support.

VIII. And be it further enacted, That it shall be lawful for any such apprenticed Labourer to purchase his or her Discharge from such Apprenticeship, even without the Consent, or in opposition, if necessary, to the Will of the Person or Persons entitled to his or her Services, upon Payment to such Person or Persons of the appraised Value of such Services; which Appraisement shall be effected, and which Purchase Money shall be paid and applied, and which Discharge shall be given and executed, in such Manner and Form, and upon, under, and subject to such Conditions, as shall be prescribed under such Authority, and by such Acts of Assembly, Ordinances, or Orders in Council, as are herein-after mentioned.

Apprenticed Labourer may purchase his Discharge against the Will of his Employer, on an Appraisement.

How Appraisement and involuntary Discharge to be effected.

IX. And be it further enacted, That no apprenticed Labourer shall be subject or liable to be removed from the Colony to which he or she may belong; and that no prædial apprenticed Labourer who may in manner aforesaid become attached to the Soil shall be subject or liable to perform any Labour in the Service of his or her Employer or Employers except upon or in or about the Works and Business of the Plantations or Estates to which such prædial apprenticed Labourer shall have been attached or on which he or she shall have been usually employed on or previously to the said First Day of *August* One thousand eight hundred and thirty-four: Provided nevertheless, that, with the Consent in Writing of any Two or more Justices of the Peace holding such Special Commission as herein-after mentioned, it shall be lawful for the Person or Persons entitled to the Services of any such attached prædial apprenticed Labourer or Labourers to transfer his or their Services to any other Estate

Apprenticed Labourers not removable from the Colony, and prædial apprenticed Labourers not removable from the Plantation except by Consent of Two Special Justices.

Consent not to be given till the Justices have ascertained that the Removal will not separate the Members of Families.

How Consent to be given and recorded.

Right to the Services of apprenticed Labourers to be transferable Property.

Labourer not to be separated from Wife, &c.

Employer to supply the Labourer with such Food, &c. as the Law at present requires in case of Slaves.

Where the prædial Labourer shall be maintained by the Cultivation of Provision Grounds, a proper Quantity of Ground with leisure Time to be set apart by the Employer.

How the Extent and Locality of the Provision Grounds and the Quantity of Time are to be regulated.

Estate or Plantation within the same Colony to such Person or Persons belonging; which written Consent shall in no Case be given, or be of any Validity, unless any such Justices of the Peace shall first have ascertained that such Transfer would not have the Effect of separating any such attached prædial apprenticed Labourer from his or her Wife or Husband, Parent or Child, or from any Person or Persons reputed to bear any such Relation to him or her, and that such Transfer would not probably be injurious to the Health or Welfare of such attached prædial apprenticed Labourer; and such written Consent to any such Removal shall be expressed in such Terms, and shall be in each Case given, attested, and recorded in such Manner, as shall for that Purpose be prescribed under such Authority, and by such Acts of Assembly, Ordinances, and Orders in Council as herein-after mentioned.

X. And be it further enacted and declared, That the Right or Interest of any Employer or Employers to and in the Services of any such apprenticed Labourers as aforesaid shall pass and be transferable by Bargain and Sale, Contract, Deed, Conveyance, Will, or Descent, according to such Rules and in such Manner as shall for that Purpose be provided by any such Acts of Assembly, Ordinances, or Orders in Council as herein-after mentioned; provided that no such apprenticed Labourer shall, by virtue of any such Bargain and Sale, Contract, Deed, Conveyance, Will, or Descent, be subject or liable to be separated from his or her Wife or Husband, Parent or Child, or from any Person or Persons reputed to bear any such Relation to him or her.

XI. And be it further enacted, That during the Continuance of any such Apprenticeship as aforesaid the Person or Persons for the Time being entitled to the Services of every such apprenticed Labourer shall be and is and are hereby required to supply him or her with such Food, Clothing, Lodging, Medicine, Medical Attendance, and such other Maintenance and Allowances as by any Law now in force in the Colony to which such apprenticed Labourer may belong an Owner is required to supply to and for any Slave being of the same Age and Sex as such apprenticed Labourer shall be; and in Cases in which the Food of any such prædial apprenticed Labourer shall be supplied, not by the Delivery to him or her of Provisions, but by the Cultivation by such prædial apprenticed Labourer of Ground set apart for the Growth of Provisions, the Person or Persons entitled to his or her Services shall and is or are hereby required to provide such prædial apprenticed Labourer with Ground adequate, both in Quantity and Quality, for his or her Support, and within a reasonable Distance of his or her usual Place of Abode, and to allow to such prædial apprenticed Labourer, from and out of the annual Time during which he or she may be required to labour, after the Rate of Forty-five Hours *per* Week as aforesaid, in the Service of such his or her Employer or Employers, such a Portion of Time as shall be adequate for the proper Cultivation of such Ground, and for the raising and securing the Crops thereon grown; the actual Extent of which Ground, and the Distance thereof from the Place of Residence of the prædial apprenticed Labourer for whose Use it may be so allotted, and the Length of Time to be deducted for the Cultivation of the said Ground from the said annual Time,

Time, shall and may, in each of the Colonies aforesaid, be regulated under such Authorities, and by such Acts of Assembly, Ordinances, or Orders in Council as herein-after mentioned.

XII. And be it further enacted, That, subject to the Obligations imposed by this Act, or to be imposed by any such Act of General Assembly, Ordinance, or Order in Council as herein-after mentioned, upon such apprenticed Labourers as aforesaid, all and every the Persons who on the said First Day of *August* One thousand eight hundred and thirty-four shall be holden in Slavery within any such *British* Colony as aforesaid shall upon and from and after the said First Day of *August* One thousand eight hundred and thirty-four become and be to all Intents and Purposes free and discharged of and from all Manner of Slavery, and shall be absolutely and for ever manumitted; and that the Children thereafter to be born to any such Persons, and the Offspring of such Children, shall in like Manner be free from their Birth; and that from and after the said First Day of *August* One thousand eight hundred and thirty-four Slavery shall be and is hereby utterly and for ever abolished and declared unlawful throughout the *British* Colonies, Plantations, and Possessions Abroad.

Subject to the Obligations imposed hereby, all Slaves in the *British* Colonies emancipated from the 1st of *August* 1834; from which Time Slavery shall be abolished throughout the *British* Dominions.

XIII. ' And whereas it may happen that Children who have not attained the Age of Six Years on the said First Day of *August* One thousand eight hundred and thirty-four, or that Children who after that Day may be born to any Female apprenticed Labourers, may not be properly supported by their Parents, and that no other Person may be disposed voluntarily to undertake the Support of such Children; and it is necessary that Provision should be made for the Maintenance of such Children in any such Contingency; be it therefore enacted, That if any Child who on the said First Day of *August* One thousand eight hundred and thirty-four had not completed his or her Sixth Year, or if any Child to which any Female apprenticed Labourer may give birth on or after the said First Day of *August* One thousand eight hundred and thirty-four, shall be brought before any Justice of the Peace holding any such Special Commission as herein-after mentioned, and if it shall be made to appear to the Satisfaction of such Justice that any such Child is unprovided with an adequate Maintenance, and that such Child hath not completed his or her Age of Twelve Years, it shall be lawful for such Justice, and he is hereby required, on behalf of any such Child, to execute an Indenture of Apprenticeship, thereby binding such Child as an apprenticed Labourer to the Person or Persons entitled to the Services of the Mother of such Child, or who had been last entitled to the Services of such Mother; but in case it shall be made to appear to any such Justice that such Person or Persons aforesaid is or are unable or unfit to enter into such Indenture, and properly to perform the Conditions thereof, then it shall be lawful for such Justice and he is hereby required by such Indenture to bind any such Child to any other Person or Persons to be by him for that Purpose approved, and who may be willing and able properly to perform such Conditions; and it shall by every such Indenture of Apprenticeship be declared whether such Child shall thenceforward belong to the Class of attached prædial apprenticed Labourers, or to the Class of unattached prædial apprenticed Labourers;

Children below the Age of Six on 1st *August* 1834, or born after that Time to any Female Apprentice, if destitute, may be bound out by any Special Magistrate as an Apprentice to the Person entitled to the Services of the Mother; but at the Date of such Indentures the Apprentice must be under Twelve Years of Age.

Indentures to continue in force until the Child has completed his or her Twenty-first Year, and no longer.

Labourers; and the Term of such Apprenticeship of any such Child shall by such Indenture be limited and made to continue in force until such Child shall have completed his or her Twenty-first Year, and no longer; and every Child so apprenticed as aforesaid by the Order of any such Justice of the Peace as aforesaid shall during his or her Apprenticeship be subject to all such and the same Rules and Regulations respecting the Work or Labour to be by them done or performed, and respecting the Food and other Supplies to be to him or her furnished, as any other such apprenticed Labourers as aforesaid: Provided always, that the said Indenture of Apprenticeship shall contain sufficient Words of Obligation upon the Employer to allow reasonable Time and Opportunity for the Education and Religious Instruction of such Child.

His Majesty, or any Governor by His Authority, may appoint Justices of the Peace by Special Commission to give effect to this Act and to all Colonial Laws made in pursuance thereof; and no other Qualification necessary.

Such Justices may also be included in the General Commission of the Peace.

His Majesty may grant Salaries to Special Justices.

XIV. And for ensuring the effectual Superintendence of the said apprenticed Labourers, and the Execution of this Act, be it enacted, That it shall and may be lawful for His Majesty to issue, or to authorize the Governor of any such Colony as aforesaid, in the Name and on the Behalf of His Majesty, to issue under the Public Seal of any such Colony, One or more Special Commission or Commissions to any One or more Person or Persons, constituting him or them a Justice or Justices of the Peace for the whole of any such Colony, or for any Parish, Precinct, Quarter, or other District within the same, for the special Purpose of giving effect to this present Act, and to any Laws which may, in manner herein-after mentioned, be made for giving more complete Effect to the same; and every Person to or in favour of whom any such Commission may be issued shall by force and virtue thereof, and without any other Qualification, be entitled and competent to act as a Justice of the Peace within the Limits prescribed by such his Commission for such special Purposes aforesaid, but for no other Purposes: Provided nevertheless, that nothing herein contained shall prevent or be construed to prevent any Person commissioned as a Justice of the Peace for such special Purpose as aforesaid from being included in the General Commission of the Peace for any such Colony, or for any Parish, Precinct, Quarter, or other District thereof, in case it shall seem fit to His Majesty, or to the Governor of any such Colony acting by His Majesty's Authority, to address both such Special Commission and such General Commission as aforesaid in any Case to the same Person or Persons.

XV. And be it further enacted, That His Majesty shall be and He is hereby authorized to grant to any Persons or Persons, not exceeding One hundred in the whole, holding any such Special Commission or Commissions as aforesaid, and so from Time to Time as Vacancies may occur, Salaries at and after a Rate not exceeding in any Case the Sum of Three hundred Pounds Sterling *per Annum*, which Salary shall be payable so long only as any such Justice of the Peace shall retain any such Special Commission, and shall be actually resident in such Colony, and engaged in the Discharge of the Duties of such his Office; provided that no Person receiving or entitled to receive any Half Pay, Pension, or Allowance for or in respect of any past Services in His Majesty's Naval or Land Forces shall, by the Acceptance of any such Special Commission or Salary as aforesaid, forfeit or become incapable of receiving or lose his Right to receive such Half Pay, Pension, or Allowance,

Allowance, or any Part thereof, any Law, Statute, or Usage to the contrary in anywise notwithstanding: Provided also, that there be annually laid before both Houses of Parliament a List of the Names of all Persons to whom any such Salary shall be so granted, specifying the Date of every such Commission, and the Amount of the Salary assigned to every such Justice of the Peace.

Lists of such Persons to be laid before Parliament.

XVI. ' And whereas it is necessary that various Rules and Regulations should be framed and established for ascertaining, with reference to each apprenticed Labourer within the said Colonies respectively, whether he or she belongs to the Class of attached prædial apprenticed Labourers, or to the Class of unattached apprenticed Labourers, or to the Class of non-prædial apprenticed Labourers, and for determining the Manner and Form in which and the Solemnities with which the voluntary Discharge of any apprenticed Labourer from such his or her Apprenticeship may be effected, and for prescribing the Form and Manner in which and the Solemnities with which the Purchase by any such apprenticed Labourer or his or her Discharge from such Apprenticeship without, or in opposition, if necessary, to, the Consent of the Person or Persons entitled to his or her Services, shall be effected, and how the necessary Appraisement of the future Value of such Services shall be made, and how and to whom the Amount of such Appraisement shall in each Case be paid and applied, and in what Manner and Form and by whom the Discharge from any such Apprenticeship shall thereupon be given, executed, and recorded; and it is also necessary, for the Preservation of Peace throughout the said Colonies, that proper Regulations should be framed and established for the Maintenance of Order and good Discipline amongst the said apprenticed Labourers, and for ensuring the punctual Discharge of the Services due by them to their respective Employers, and for the Prevention and Punishment of Indolence, or the Neglect or improper Performance of Work by any such apprenticed Labourer, and for enforcing the due Performance by any such apprenticed Labourer of any Contract into which he or she may voluntarily enter for any hired Service during the Time in which he or she may not be bound to labour for his or her Employer, and for the Prevention and Punishment of Insolence and Insubordination on the Part of any such apprenticed Labourers towards their Employers, and for the Prevention or Punishment of Vagrancy or of any Conduct on the Part of any such apprenticed Labourers injuring or tending to the Injury of the Property of any such Employer, and for the Suppression and Punishment of any Riot or combined Resistance of the Laws on the Part of any such apprenticed Labourers, and for preventing the Escape of any such apprenticed Labourers, during their Term of Apprenticeship, from the Colonies to which they may respectively belong: And whereas it will also be necessary for the Protection of such apprenticed Labourers as aforesaid that various Regulations should be framed and established in the said respective Colonies for securing Punctuality and Method in the Supply to them of such Food, Clothing, Lodging, Medicines, Medical Attendance, and such other Maintenance and Allowances as they are herein-before declared entitled to receive, and for regulating the Amount and Quality of all such Articles in Cases where the

Recital of various Regulations necessary for giving Effect to this Act.

‘ Laws at present existing in any such Colony may not in the Case
 ‘ of Slaves have made any Regulation or any adequate Regulation
 ‘ for that Purpose ; and it is also necessary that proper Rules should
 ‘ be established for the Prevention and Punishment of any Frauds
 ‘ which might be practised, or of any Omissions or Neglects which
 ‘ might occur, respecting the Quantity or the Quality of the Sup-
 ‘ plies so to be furnished, or respecting the Periods for the Delivery
 ‘ of the same : And whereas it is necessary, in those Cases in which
 ‘ the Food of any such prædial apprenticed Labourers as aforesaid
 ‘ may either wholly or in part be raised by themselves by the Culti-
 ‘ vation of Ground to be set apart and allotted for that Purpose,
 ‘ that proper Regulations should be made and established as to the
 ‘ Extent of such Grounds, and as to the Distance at which such
 ‘ Grounds may be so allotted from the ordinary Place of Abode
 ‘ of such prædial apprenticed Labourers, and respecting the De-
 ‘ ductions to be made from the Cultivation of such Grounds from
 ‘ the annual Time during which such prædial apprenticed Labourers
 ‘ are herein-before declared liable to labour : And whereas it may
 ‘ also be necessary, by such Regulations as aforesaid, to secure to
 ‘ the said prædial apprenticed Labourers the Enjoyment for their
 ‘ own Benefit of that Portion of their Time during which they are
 ‘ not hereby required to labour in the Service of their respective
 ‘ Employers, and for securing Exactness in the Computation of the
 ‘ Time during which such prædial apprenticed Labourers are hereby
 ‘ required to labour in the Service of such their respective Em-
 ‘ ployers ; and it is also necessary that Provision should be made
 ‘ for preventing the Imposition of Task-work on any such appren-
 ‘ ticed Labourer without his or her free Consent to undertake the
 ‘ same ; but it may be necessary by such Regulations in certain
 ‘ Cases to require and provide for the Acquiescence of the Mino-
 ‘ rity of the prædial apprenticed Labourers attached to any Plan-
 ‘ tation or Estate in the Distribution and Apportionment amongst
 ‘ the whole Body of such Labourers of any Task-work which the
 ‘ Majority of such Body shall be willing and desirous collectively
 ‘ to undertake ; and it is also necessary that Regulations should be
 ‘ made respecting any voluntary Contracts into which any appren-
 ‘ ticed Labourers may enter with their respective Employers or with
 ‘ any other Person for hired Service for any future Period, and for
 ‘ limiting the greatest Period of Time to which such voluntary
 ‘ Contract may extend, and for enforcing the punctual and effectual
 ‘ Performance of such voluntary Contracts on the Part both of such
 ‘ apprenticed Labourers and of the Person or Persons engaging for
 ‘ their Employment and Hire ; and it is also necessary that Regu-
 ‘ lations should be made for the Prevention or Punishment of any
 ‘ Cruelty, Injustice, or other Wrong or Injury which may be done
 ‘ to or inflicted upon any such apprenticed Labourers by the Per-
 ‘ sons entitled to their Services ; and it is also necessary that proper
 ‘ Regulations should be made respecting the Manner and Form in
 ‘ which such Indentures of Apprenticeship as aforesaid shall be made
 ‘ on behalf of such Children as aforesaid, and respecting the regis-
 ‘ tering and Preservation of all such Indentures : And whereas it
 ‘ is also necessary that Provision should be made for ensuring
 ‘ Promptitude and Dispatch, and for preventing all unnecessary
 ‘ Expence, in the Discharge by the Justices of the Peace holding
 ‘ such

‘ such Special Commissions as aforesaid of the Jurisdiction and Authorities thereby committed to them, and for enabling such Justices to decide in a summary Way such Questions as may be brought before them in that Capacity, and for the Division of the said respective Colonies into Districts for the Purposes of such Jurisdiction, and for the frequent and punctual Visitation by such Justices of the Peace of the apprenticed Labourers within such their respective Districts; and it is also necessary that Regulations should be made for indemnifying and protecting such Justices of the Peace in the upright Execution and Discharge of their Duties: And whereas such Regulations as aforesaid could not without great Inconvenience be made except by the respective Governors, Councils, and Assemblies, or other local Legislatures of the said respective Colonies, or by His Majesty, with the Advice of His Privy Council, in reference to those Colonies to which the Legislative Authority of His Majesty in Council extends;’ be it therefore enacted and declared, That nothing in this Act contained extends or shall be construed to extend to prevent the Enactment by the respective Governors, Councils, and Assemblies, or by such other local Legislatures as aforesaid, or by His Majesty, with the Advice of His Privy Council, of any such Acts of General Assembly, or Ordinances, or Orders in Council as may be requisite for making and establishing such several Rules and Regulations as aforesaid, or any of them, or for carrying the same or any of them into full and complete Effect: Provided nevertheless that it shall not be lawful for any such Governor, Council, and Assembly, or for any such local Legislature, or for His Majesty in Council, by any such Acts of Assembly, Ordinances, or Orders in Council as aforesaid, to make or establish any Enactment, Regulation, Provision, Rule, or Order which shall be in anywise repugnant or contradictory to this present Act or any Part thereof, but that every such Enactment, Regulation, Provision, Rule, or Order shall be and is hereby declared to be absolutely null and void and of no effect.

XVII. Provided also, and be it further enacted, That it shall not be lawful for any such Governor, Council, and Assembly, or other Colonial Legislature, or for His Majesty in Council, by any such Act, Ordinance, or Order in Council, to authorize any Person or Persons entitled to the Services of any such apprenticed Labourer, or any other Person or Persons other than such Justices of the Peace holding such Special Commissions as aforesaid, to punish any such apprenticed Labourer for any Offence by him or her committed or alleged to have been committed by the whipping, beating, or Imprisonment of his or her Person, or by any other personal or other Correction or Punishment whatsoever, or by any Addition to the Hours of Labour herein-before limited; nor to authorize any Court, Judge, or Justice of the Peace to punish any such apprenticed Labourer, being a Female, for any Offence by her committed, by whipping or beating her Person; and that every Enactment, Regulation, Provision, Rule, or Order for any such Purpose in any such Act, Ordinance, or Order in Council contained shall be and is hereby declared to be absolutely null and void and of no effect: Provided always, that nothing in this Act contained doth or shall extend to exempt any apprenticed Labourer in any of the said Colonies from the Operation of any Law or Police Regulation

This Act not to prevent the Enactment, by Colonial Assemblies or by His Majesty in Council, of the Laws necessary for establishing such Regulations.

Provisions repugnant to this Act contained in any such Colonial Law void.

Such Colonial Acts may not authorize the whipping or other Punishment of the Labourer by the Employer's Authority.

Colonial Acts or Orders in Council not to authorize any Justices, except those having Special Commissions, to act in execution thereof.

Justices having Special Commissions to exercise exclusive Jurisdiction between apprenticed Labourers and their Employers.

Jurisdiction of Supreme Courts preserved.

Apprenticed Labourers not to be subjected to a Prolongation or Renewal of their Apprenticeship, nor to more than 15 Hours extra Labour in any Week for their Employers Benefit.

which is or shall be in force therein for the Prevention or Punishment of any Offence, such Law or Police Regulation being in force against and applicable to all other Persons of free Condition.

XVIII. Provided also, and be it further enacted, That it shall not be lawful for any such Governor, Council, and Assembly, or for any such Local Legislature, or for His Majesty in Council, by any such Acts of General Assembly, Ordinances, or Orders in Council as aforesaid, to authorize any Magistrate or Justice of the Peace, other than and except the Justices of the Peace holding such Special Commissions as aforesaid, to take cognizance of any Offence committed or alleged to have been committed by any such apprenticed Labourer, or by his or her Employer, in such their Relation to each other, or of the Breach, Violation, or Neglect of any of the Obligations owed by them to each other, or of any Question, Matter, or Thing incident to or arising out of the Relations subsisting between such apprenticed Labourers and the Persons respectively entitled to their Services; and every Enactment, Regulation, Provision, Rule, or Order in any such Acts, Ordinances, and Orders in Council to the contrary contained shall be and is hereby declared to be null and void and of no effect.

XIX. And it is hereby further declared and enacted, That the several Justices of the Peace having Special Commissions as aforesaid shall, within the respective Colonies to which they shall be respectively appointed, have, exercise, and enjoy a sole and exclusive Jurisdiction over, and shall solely and exclusively take cognizance of, all such Offences or alleged Offences as last aforesaid, and of every such Breach, Violation, or Neglect of any of the aforesaid Obligations, and of every such Question, Matter, or Thing as aforesaid, any Law, Custom, or Usage in any of the said Colonies to the contrary in anywise notwithstanding; Provided nevertheless, that nothing herein contained shall extend or be construed to extend to abrogate or take away the Powers by Law vested in the Supreme Courts of Record, or the Superior Courts of Civil and Criminal Justice in any of the said respective Colonies.

XX. Provided also, and be it further enacted, That no apprenticed Labourer shall, by any such Act of Assembly, Ordinance, or Order in Council as aforesaid, be declared or rendered liable for and in respect of any Offence by him or her committed, or for any Cause or upon any Ground or Pretext whatsoever, except as hereafter is mentioned, to any Prolongation of his or her Term of Apprenticeship, or to any new or additional Apprenticeship, or to any such additional Labour as shall impose upon any such apprenticed Labourer the Obligation of working in the Service or for the Benefit of the Person or Persons entitled to his or her Services for more than Fifteen extra Hours in the whole in any One Week, but every such Enactment, Regulation, Provision, Rule, or Order shall be and is hereby declared null and void and of no effect: Provided nevertheless, that any such Act of Assembly, Ordinance, or Order in Council as aforesaid may contain Provisions for compelling any apprenticed Labourer who shall, during his or her Apprenticeship, wilfully absent himself or herself from the Service of his or her Employer, either to serve his or her Employer after the Expiration of his or her Apprenticeship for so long a Time as he or she shall have so absented himself or herself from such Service, or to make

Satis-

Satisfaction to his or her Employer for the Loss sustained by such Absence, (except so far as he or she shall have made Satisfaction for such Absence, either out of such extra Hours as aforesaid or otherwise,) but nevertheless so that such extra Service or Compensation shall not be compellable after the Expiration of Seven Years next after the Termination of the Apprenticeship of such Apprentice.

XXI. Provided always, and be it hereby further enacted, That neither under the Provisions of this Act, nor under the Obligations imposed by this Act, or to be imposed by any Act of any General Assembly, Ordinance, or Order in Council, shall any apprenticed Labourer be compelled or compellable to labour on *Sundays*, except in Works of Necessity or in Domestic Services, or in the Protection of Property, or in tending of Cattle, nor shall any apprenticed Labourer be liable to be hindered or prevented from attending anywhere on *Sundays* for Religious Worship, at his or her free Will or Pleasure, but shall be at full Liberty so to do without any Let, Denial, or Interruption whatsoever.

Apprenticed Labourers not to be compelled to work on *Sundays*, nor prevented from attending Religious Worship on *Sundays*.

XXII. ' And whereas it may be expedient that Persons in the Condition of apprenticed Labourers should, during the Continuance of such their Apprenticeship, be exempted from the Performance of certain Civil and Military Services, and be disqualified from holding certain Civil and Military Offices, and from the Enjoyment of certain Political Franchises, within the said Colonies, and be exempted from being arrested or imprisoned for Debt ;' be it therefore enacted, That nothing in this Act contained extends or shall be construed to extend to interfere with or prevent the Enactment by the respective Governors, Councils, and Assemblies, or by such other local Legislature as aforesaid of any such Colonies, or by His Majesty in Council in reference to such of the said Colonies as are subject to the Legislative Authority of His Majesty in Council, of any Acts, Ordinances, or Orders in Council for exempting any such apprenticed Labourers as aforesaid, during the Continuance of such their Apprenticeship, from any such Civil or Military Service as aforesaid, or for disqualifying them or any of them during the Continuance of any such Apprenticeships from the Enjoyment or Discharge of any such Political Franchise as aforesaid, or for exempting them during the Continuance of such Apprenticeships from being arrested or imprisoned for Debt.

Nothing herein to interfere with any Colonial Laws, by which apprenticed Labourers may be exempted from or disqualified for certain Military or Civil Services and Franchises.

XXIII. ' And whereas it would be desirable that such of the Provisions of this Act as relate to the internal Concerns of the said respective Colonies should be enacted in such respective Colonies so far as may be possible by the Authority of the several local Legislatures of such Colonies respectively ;' be it therefore enacted, That in case the Governor, Council, and Assembly of any One or more of His Majesty's Colonies aforesaid shall, by any Act or Acts of General Assembly for that Purpose made, substitute for the several Enactments herein-before contained, or any of them, any Enactments accomplishing the several Objects in such herein-before contained Enactments respectively contemplated as fully and to the like Effect, but in a Manner and Form better adapted to the local Circumstances of any such Colonies or Colony, and in case His Majesty shall, by any Order or Orders to be by Him made, by the Advice of His Privy Council, confirm and allow any such Act or Acts of Assembly, and shall in and by any such Order or Orders

Acts passed by local Legislatures with similar but improved Enactments to this Act to supersede this Act on being confirmed by His Majesty in Council.

in Council recite and set forth at length the several Provisions and Enactments of this present Act for which such other Enactments as aforesaid shall have been substituted by any such Act or Acts of General Assembly, then and in such Case so much and such Parts of this present Act as shall be so recited and set forth at length in any such Order or Orders of His Majesty in Council shall be suspended and cease to be of any Force or Effect in any such Colony from and after the Arrival and Proclamation therein of any such Order or Orders of His Majesty in Council, and shall continue to be so suspended so long as any such substituted Enactments shall continue in force and unrepealed, and no longer.

The Treasury
may raise Loans,
not exceeding
20 Millions.

XXIV. ' And whereas, towards compensating the Persons at present entitled to the Services of the Slaves to be manumitted and set free by virtue of this Act for the Loss of such Services, His Majesty's most dutiful and loyal Subjects the Commons of Great Britain and Ireland in Parliament assembled have resolved to give and grant to His Majesty the Sum of Twenty Millions Pounds Sterling; be it enacted, That the Lords Commissioners of His Majesty's Treasury of the United Kingdom of Great Britain and Ireland may raise such Sum or Sums of Money as shall be required from Time to Time under the Provisions of this Act, and may grant as the Consideration for such Sum or Sums of Money Redeemable Perpetual Annuities or Annuities for Terms of Years (which said Annuities respectively shall be transferable and payable at the Bank of England), upon such Terms and Conditions and under such Regulations as to the Time or Times of paying the said Sums of Money agreed to be raised as may be determined upon by the said Commissioners of the Treasury, not exceeding in the whole the Sum of Twenty Millions Pounds Sterling: Provided nevertheless, that the Rate of Interest at which the said Sums of Money shall be from Time to Time raised shall be regulated and governed by the Price of the respective Redeemable Perpetual Annuities or Annuities for Terms of Years on the Day preceding (or on the nearest preceding Day if it shall so happen that there shall be no Price of such said Annuities respectively on the Day immediately preceding) the Day of giving Notice for raising such Sum or Sums of Money, and that the Rate of Interest to be allowed to the Contributors for such Sum or Sums of Money shall in no Case exceed Five Shillings *per Centum per Annum* above the current Rate of Interest produced by the Market Price of any such Redeemable Perpetual Annuities or Annuities for Terms of Years existing at the Time, and in which such Contracts shall be made.

Treasury to give
Notice of their
Intention to
raise the same.

XXV. Provided always, and be it further enacted, That before raising any such Sum or Sums by Redeemable Perpetual Annuities or Annuities for Terms of Years (unless the same shall be subscribed or contributed as herein-after mentioned by the Commissioners for the Reduction of the National Debt), the said Commissioners of the Treasury are hereby required to give public Notice of the Intention to raise such Sum, or such Part thereof as shall not be subscribed or contributed as aforesaid, through the Governor and Deputy Governor of the Bank of England, of their Desire to receive Biddings for any such Annuities, which said Biddings and the Mode of raising such Annuities shall be conducted in such and the like Manner as has usually been practised with respect to the raising

raising of Money by way of Annuities for the Service of the Public: Provided also, that no Contract or Agreement for raising any Sum or Sums by Annuities as aforesaid shall be entered into except during the sitting of Parliament, and when the same shall have been entered into all Proceedings, Tenders, and Contracts respecting the same shall be forthwith laid before Parliament.

No Contract for raising same to be entered into but during sitting of Parliament.

XXVI. And be it further enacted, That whatever Redeemable Annuities or Annuities for any Term of Years which shall be created from Time to Time by the Sums of Money raised by virtue of this Act (which said Redeemable Annuities and Annuities for Terms of Years so created shall be of the like Description of some Redeemable Annuities or Annuities for Terms of Years existing at the Time of raising such Sum or Sums of Money,) shall be deemed and taken to be Redeemable Annuities or Annuities for Terms of Years of the like Description then existing, in which such Sum or Sums shall be agreed to be raised.

Annuities to be granted for such Loans to be of the same Description as some now existing.

XXVII. And be it further enacted, That all the several Redeemable Annuities and Annuities for Terms of Years which shall be created from Time to Time by virtue of this Act shall be deemed and taken to be and shall be added to and form Part of the like Redeemable Annuities or Annuities for Terms of Years in which such Sums of Money shall be raised, and shall be subject to all the Clauses, Conditions, Provisions, Directions, Regulations, and Periods of Payment as fully and effectually to all Intents and Purposes, except as altered and varied by virtue of this Act, as if the said Clauses, Conditions, Provisions, Directions, Regulations, and Periods of Payment were severally repeated and re-enacted in this Act.

Annuities created by this Act to form Part of and be subject to same Regulations as like Annuities now existing.

XXVIII. And be it enacted, That the Commissioners for the Reduction of the National Debt may subscribe and contribute from Time to Time towards the raising any Sum or Sums of Money to be raised under the Provisions of this Act any Part of the Monies which shall be at any Time standing in their Names in the Books of the Governor and Company of the Bank of *England* under and by virtue of an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act to consolidate and amend the Laws relating to Savings Banks*, and of another Act passed in the Tenth Year of the Reign of King *George* the Fourth, intituled *An Act to consolidate and amend the Laws relating to Friendly Societies*, and also to sell and dispose of the Bank Annuities and Exchequer Bills, or any Part thereof, which may be now standing or may hereafter stand in their Names in the Books of the said Bank in pursuance of the said respective Acts, and with the Proceeds thereof may subscribe and contribute such Monies from Time to Time, or any Part thereof, towards the raising the Sums of Money which may be required from Time to Time under the Provisions of this Act.

Commissioners for Reduction of National Debt may subscribe towards raising Sum wanted for this Act.

9 G. 4. c. 92.

10 G. 4. c. 56.

XXIX. And be it enacted, That all Sums of Money which shall be raised from Time to Time by virtue of this Act shall be paid into the Bank of *England* to the Account of the Commissioners for the Reduction of the National Debt, under the Title of "The *West India* Compensation Account," and the Cashiers of the Bank of *England* are hereby required to receive all such Sums of Money, and to place the same from Time to Time to the said Account.

Monies raised to be paid to an Account at the Bank, called the *West India* Compensation Account.

The Cashiers of the Bank to give Receipts for Subscriptions, which may be assigned.

Subscriptions paid in part, and not completed, forfeited.

Interest and Charges of the Twenty Millions charged upon Consolidated Fund.

Money for paying Annuities to be issued by Exchequer to Cashier of the Bank.

Commissioners to be appointed for distributing the Compensation provided by this Act.

Commissioners to be sworn.

XXX. And be it enacted, That the Cashier or Cashiers of the Governor and Company of the Bank of *England*, who shall have received or shall receive any Part of any Contribution towards any Sum or Sums of Money raised or to be raised under the Provisions of this Act, shall give a Receipt or Receipts in Writing to every such Contributor for all such Sums; and that the said Receipts so to be given shall be assignable at any Time for and during such Period as shall and may be determined upon by the said Commissioners of the Treasury; and the said Receipts shall be in such Form and Words and under such Regulations as shall be approved by the said Commissioners of His Majesty's Treasury: Provided always, that in case any such Contributors who have already deposited with or shall hereafter pay to the said Cashier or Cashiers any Sum or Sums of Money, at the Time and in the Manner specified in the Proposals of the several Loans, in part of the Sum or Sums so by them respectively subscribed, or their respective Executors, Administrators, Successors, or Assigns, shall not advance and pay to the said Cashier or Cashiers the Residue of the Sum or Sums so subscribed at the Times and in the Manner stated in the Proposals, then and in every such Case so much of the respective Sum or Sums so subscribed as shall have been actually paid in part thereof to the said Cashier or Cashiers shall be forfeited for the Benefit of the Public, and all Right and Title to the said Redeemable Annuities or Annuities for Terms of Years in respect thereof shall be extinguished, any thing in this Act contained to the contrary thereof in anywise notwithstanding.

XXXI. And be it further enacted, That all the said Annuities, Interest, Dividends, and Charges for Management which shall become payable in respect of the said Sum of Twenty Millions, or any Part thereof, shall be charged and chargeable upon and the same is hereby charged upon and made payable out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

XXXII. And be it further enacted, That so much Money shall from Time to Time be set apart and issued at the Receipt of the Exchequer in *England* out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* to the said Cashier or Cashiers of the Governor and Company of the Bank of *England* as shall be sufficient to satisfy and pay the respective Annuities to be created in respect of the said Sum of Twenty Millions, or any Part thereof, together with the Charges attending the same.

XXXIII. And for the Distribution of the said Compensation Fund, and the Apportionment thereof amongst the several Persons who may prefer Claims thereon, be it enacted, That it shall and may be lawful for His Majesty from Time to Time, by a Commission under the Great Seal of the United Kingdom, to constitute and appoint such Persons, not being less than Five, as to His Majesty shall seem meet, to be Commissioners of Arbitration for inquiring into and deciding upon the Claims to Compensation which may be preferred to them under this Act.

XXXIV. And be it further enacted, That the said Commissioners to be appointed by virtue of this Act shall each of them, previously to his entering upon the Execution of such Commission, take an

an Oath before the Chancellor of the Exchequer or the Master of the Rolls for the Time being, which Oath they are hereby respectively authorized to administer; the Tenor thereof shall be as follows; (that is to say,)

‘ I *A. B.* do swear, That according to the best of my Judgment I will faithfully and impartially execute the several Powers and Trusts vested in me by an Act, intituled [*here set forth the Title of this Act*].’ Form of Oath.

XXXV. And be it further enacted, That the said Commissioners may meet and sit from Time to Time in such Place or Places as they shall find it most convenient, with or without Adjournment, and with the Consent and Approbation of the Commissioners of the Treasury for the Time being, or any Three of them, in Writing; and shall and may employ a Secretary, and Clerks, Messengers, and Officers, and shall and may allow such Secretary, Clerks, Messengers, and Officers, with the like Consent and Approbation, reasonable Salaries, and shall and may employ a Solicitor, and allow to such Solicitor a reasonable Salary or Reward, and shall and may give and administer to such Solicitor or Solicitors, Secretary, Clerks, and Officers respectively an Oath for their faithful Demeanor in all Things relating to the due Performance of the Trusts reposed in them by the said Commissioners, and in all other Things touching the Premises; and the said Commissioners shall and may from Time to Time, at their Discretion, dismiss and discharge such Solicitor or Solicitors, Secretary, Clerks, Messengers, and other Officers, and appoint others in their Place; and the said Solicitor or Solicitors, Secretary, Clerks, and other Officers are hereby required faithfully to execute and perform the said Trusts in them severally and respectively reposed, without taking any thing for such Service other than such Salaries or Rewards as the said Commissioners, with such Approbation as aforesaid, shall direct or appoint in manner aforesaid. Meetings of the Commissioners, and Appointment of the subordinate Officers.

XXXVI. And be it further enacted, That all Acts, Matters, and Things which the said Commissioners for the Execution of this Act are by this Act authorized so to do or execute may be done and executed by any Three or more of such Commissioners. Officers to be sworn.

XXXVII. And be it further enacted, That no Remuneration shall be given for and in respect of the Execution of the said Commission to such of the said Commissioners as shall be Members of either House of Parliament, nor to any Number exceeding Three of the said Commissioners. Any Three Commissioners to be a Quorum.

XXXVIII. ‘ And whereas it may be necessary that Assistant Commissioners should be appointed to act in aid of and under the Directions of the Commissioners appointed by this Act in the said several Colonies;’ be it therefore enacted, That the Governor and the Attorney General or other Chief Law Adviser of the Government of the said Colonies respectively shall, with any Two or more resident Inhabitants for each of such Colonies, to be nominated during Pleasure by the Governor thereof, be Commissioners for the Colony to which they respectively belong, to act in aid of the Commissioners under this Act in all such Cases and in relation to all Matters and Things which shall be referred to them by the said Commissioners, and for all such Purposes shall have and use and exercise all the Powers and Authorities of the said Commissioners; and such Assistant Commissioners shall take an Oath, to be administered Remuneration of the Commissioners.

Appointment of auxiliary Commissioners in the Colonies.

Colonial Commissioners to be sworn.

nistered to the Governor by the Chief Justice or any Judge of the said Colonies respectively, and to the other Assistant Commissioners by the Governor thereof, that they will well and truly and impartially execute the Powers and Authorities given to them as such Assistant Commissioners in the several Matters and Things which shall be referred or submitted to them under the Provisions of this Act; and the said Assistant Commissioners shall, in all Matters which shall be referred to them by the Commissioners, transmit to the said Commissioners a full Statement of the several Matters which shall have been given in Evidence before them, and true Copies of such written Evidence as shall have been received by them, and thereupon the said Commissioners shall proceed to adjudicate upon the same, and upon such other Evidence, if any, as may be laid before them.

Issue of Money
for Payment of
the Expence of
the Commis-
sion.

XXXIX. And be it further enacted, That the Lords Commissioners of the Treasury, or any Three or more of them, or the Lord High Treasurer for the Time being, shall be and they are hereby respectively authorized and required to issue and cause to be advanced all such Sums of Money to such Person or Persons, in such Manner and in such Proportion as the said Commissioners appointed by this Act shall, by Writing under their Hands, from Time to Time require, out of the said Sum of Twenty Millions, which Sums so to be issued and advanced shall be employed for the Payment of Allowances, and in defraying all other necessary Charges and Expences, in or about the Execution of the said Commission, without other Account than that before the Lords Commissioners of His Majesty's Treasury; and which Money so to be issued shall not be subject to any Tax, Duty, Rate, or Assessment whatsoever imposed by Authority of Parliament; but that an Account of the said Charges and Expences shall be laid before both Houses of Parliament within Two Months after the Commencement of the then next ensuing Session of Parliament.

Commissioners
may compel the
Attendance and
Examination of
Witnesses.

XL. And be it further enacted, That the said Commissioners shall be and are hereby authorized, by a Summons under their Hands, or under the Hands of any Three of them, to require the Attendance before them, by a Time to be in such Summons for that Purpose limited, of any Person or Persons competent, or whom such Commissioners may have Reason to believe to be competent, to give Evidence upon any Question depending before them; and if any Person upon whom any such Summons shall be served by the actual Delivery thereof to him or her, or by the leaving thereof at his or her usual Place of Abode, shall, without reasonable Cause to be allowed by such Commissioners, fail to appear before them at the Time and Place in such Summons for that Purpose mentioned, or so appearing shall refuse to be sworn or to make his or her solemn Affirmation, as the Case may be, or having been so sworn or having made such Affirmation shall not make answer to any such Questions as may by the said Commissioners be proposed to him or her touching any Matter or Thing depending before them, or shall refuse or fail to produce and exhibit to the said Commissioners any such Papers and Documents relating to any Question, Matter, or Thing depending before such Commissioners as shall by them be called for or required, every such Person shall, for such his Default, Refusal, or Neglect as aforesaid, incur and become liable to all such Fines and

and Penalties, Prosecutions, Civil Suits, or Actions, as any Person may by Law incur or become liable to for Default of Appearance or for refusing to be sworn or to give Evidence upon any Issue joined in any Action depending in His Majesty's Court of King's Bench; and the said Commissioners shall have all such and the same Powers, Jurisdiction, and Authority for imposing and causing to be levied and recovered any such Fines and Penalties as aforesaid as are by Law vested in any of the Judges of the said Court for imposing or causing to be levied and recovered any Fines or Penalties incurred by any Person failing to appear as a Witness or refusing to be sworn and to give Evidence in the Trial of any Action before any such Judges or Judge.

XLI. And be it further enacted, That the said Commissioners may examine upon Oath or Affirmation (which Oath or Affirmation they or any One or Two of them are and is hereby authorized to administer) all Persons who shall appear before them to be examined as Witnesses touching any Matters or Things which may be depending, or touching any Questions which may arise, in the Execution of the Powers vested in the said Commissioners by this Act, and may also receive any Affidavits or Depositions in Writing, upon Oath or Affirmation, touching such Matters or Things as aforesaid, which shall be made before any Justice of the Peace of any County or Shire, or any Magistrate of any Borough or Town Corporations, in *Great Britain or Ireland*, where or near which the Person making such Affidavit or Deposition shall reside, or before any Chief Justice or any other Judge of any of the Courts of Record or any Supreme Courts of Judicature in any of the said Colonies respectively, and certified and transmitted to the said Commissioners under the Hand and Seal of such Justice or Magistrate, Chief Justice or Judge (and which Oath or Affirmation every such Justice or Magistrate shall be and is hereby authorized and empowered to administer); provided that in every such Affidavit or Deposition there shall be expressed the Addition of the Party making such Affirmation or Deposition, and the particular Place of his or her Abode.

Commissioners
authorized to
take Examina-
tions on Oath.

XLII. And be it further enacted, That if any Person or Persons upon Examination on Oath or Affirmation before the said Commissioners respectively, or if any Person or Persons making any such Affirmation or Deposition as before mentioned, shall wilfully and corruptly give false Evidence, or shall in such Affirmation, Affidavit, or Deposition wilfully or corruptly swear, affirm, or allege any Matter or Thing which shall be false or untrue, every such Person or Persons so offending, and being thereof duly convicted, shall be and is and are hereby declared to be subject and liable to the Pains and Penalties of Persons convicted of wilful and corrupt Perjury by any Law in force at the Time of such Perjury being committed.

Penalties for
swearing falsely
before the Com-
missioners.

XLIII. And be it further enacted, That the said Commissioners shall and may receive and send by the General Post, from and to Places within the United Kingdom, all Letters and Packets relating solely and exclusively to the Execution of this Act free from the Duty of Postage, provided that such Letters and Packets as shall be sent to the said Commissioners be directed to the "Commissioners of Compensation," at their Office in *London*, and that all such Letters and Packets as shall be sent by the said Commissioners shall

Exemption
from Postage of
Letters on the
Business of the
Commission.

shall be in Covers, with the Words "Compensation Office; pursuant to Act of Parliament passed in the Third and Fourth Years of the Reign of His Majesty King *William the Fourth*," printed on the same, and be signed on the Outside thereof, under such Words, with the Name of such Person as the said Commissioners, with the Consent of the Lords Commissioners of the Treasury or any Three or more of them, shall authorize and appoint, in his own Hand-writing (such Name to be from Time to Time transmitted to the Secretaries of the General Post Office in *London* and *Dublin*), and be sealed with the Seal of the said Commissioners, and under such other Regulations and Restrictions as the said Lords Commissioners, or any Three or more of them, shall think proper and direct; and the Person so to be authorized is hereby strictly forbidden so to subscribe or seal any Letter or Packet whatever except such only concerning which he shall receive the special Direction of his superior Officer, or which he shall himself know to relate solely and exclusively to the Execution of this Act; and if the Person so to be authorized, or any other Person, shall send, or cause or permit to be sent, under any such Cover, any Letter, Paper, or Writing, or any Enclosure other than what shall relate to the Execution of this Act, every Person so offending shall forfeit and pay the Sum of One hundred Pounds, and be dismissed from his Office; one Moiety of the said Penalty to the Use of His Majesty, His Heirs and Successors, and the other Moiety to the Use of the Person who shall inform or sue for the same, to be sued for and recovered in any of His Majesty's Courts of Record at *Westminster* for Offences committed in *England*, and in any of His Majesty's Courts of Record in *Dublin* for Offences committed in *Ireland*, and before the Sheriff or Stewartry Court of the Shire or Stewartry within which the Party offending shall reside or the Offence shall be committed for Offences committed in *Scotland*.

No Part of the Compensation to be applicable to any Colony unless His Majesty by Order in Council shall have first declared that adequate Provision has been made by the Legislature thereof.

Such Orders to be published, and laid before Parliament.

The Commissioners to apportion the Compensation Fund into 19 Shares, being

XLIV. And be it further enacted, That no Part of the said Sum of Twenty Millions of Pounds Sterling shall be applied or shall be applicable to the Purposes aforesaid, for the Benefit of any Person now entitled to the Services of any Slave in any of the Colonies aforesaid, unless an Order shall have been first made by His Majesty, with the Advice of His Privy Council, declaring that adequate and satisfactory Provision hath been made by Law in such Colony for giving effect to this present Act by such further and supplementary Enactments as aforesaid, nor unless a Copy of such Order in Council, duly certified by One of the Clerks in Ordinary of His Majesty's Privy Council, shall by the Lord President of the Council have been transmitted to the Lords Commissioners of His Majesty's Treasury or to the Lord High Treasurer for the Time being for their or his Guidance or Information; and every such Order shall be published Three several Times in the *London Gazette*, and shall be laid before both Houses of Parliament within Six Weeks next after the Date thereof if Parliament shall be then in Session, and if not within Six Weeks from the then next ensuing Session of Parliament.

XLV. And be it further enacted, That the said Commissioners shall proceed to apportion the said Sum into Nineteen different Shares, which shall be respectively assigned to the several *British* Colonies or Possessions herein-after mentioned; (that is to say,) the

the *Bermuda Islands*, the *Bahama Islands*, *Jamaica*, *Honduras*, the *Virgin Islands*, *Antigua*, *Montserrat*, *Nevis*, *Saint Christopher's*, *Dominica*, *Barbadoes*, *Grenada*, *Saint Vincent's*, *Tobago*, *Saint Lucia*, *Trinidad*, *British Guiana*, the *Cape of Good Hope*, and *Mauritius*; and in making such Apportionment of the said Funds between the said several Colonies the said Commissioners shall and are hereby required to have regard to the Number of Slaves belonging to or settled in each of such Colonies as the same may appear and are stated according to the latest Returns made in the Office of the Registrar of Slaves in *England*, appointed in pursuance and under the Authority of an Act passed in the Fifty-ninth Year of His late Majesty King *George the Third*, intituled *An Act for establishing a Registry of Colonial Slaves in Great Britain, and for making further Provision with respect to the Removal of Slaves from British Colonies*; and the said Commissioners shall and they are hereby further required, in making such Apportionment as aforesaid, to have regard to the Prices for which, on an Average of Eight Years ending on the Thirty-first Day of *December* One thousand eight hundred and thirty, Slaves have been sold in each of the Colonies aforesaid respectively, excluding from Consideration any such Sales in which they shall have sufficient Reason to suppose that such Slaves were sold or purchased under any Reservation, or subject to any express or tacit Condition affecting the Price thereof; and the said Commissioners shall then proceed to ascertain, in reference to each Colony, what Amount of Sterling Money will represent the average Value of a Slave therein for the said Period of Eight Years; and the total Number of the Slaves in each Colony being multiplied into the Amount of Sterling Money so representing such average Value as aforesaid of a Slave therein, the Product of such Multiplication shall be ascertained for each such Colony separately; and the said Twenty Millions of Pounds Sterling shall then be assigned to and apportioned amongst the said several Colonies rateably and in proportion to the Product so ascertained for each respectively.

One Share for each Colony.

In making such Apportionment, Regard to be had to the Number of registered Slaves, &c.

59 G. 3. c. 120.

XLVI. And be it further enacted, That in case it shall appear to the said Commissioners that any Persons in respect of whom Claims for Compensation under the Provisions of this Act shall have been made have been registered and held in Slavery in any of the said Colonies in this Act mentioned contrary to Law, then and in every such Case the said Commissioners shall deduct from the Sum to be appropriated as Compensation to the Proprietors in such Colony such Sums as shall correspond with the estimated Value and Number of the said Persons so illegally registered and held in Slavery; and all such Sum or Sums which may be deducted as herein-before provided shall be applied towards defraying the general Expences of the Commission to be hereby appointed: Provided always, that for the Purpose of ascertaining in what Cases such Deductions shall be made, every Question which shall arise in any such Colony respecting the servile Condition of any Persons therein registered as Slaves shall be inquired of and determined by the Commissioners to be appointed under this Act according to such Rules of legal Presumption and Evidence as are or shall be established by any Law in force or which shall be in force in any such Colony.

No Compensation to be allowed for Persons illegally held in Slavery.

XLVII. And whereas it is necessary that Provision should be made for the Apportionment amongst the Proprietors of the Slaves

Commissioners to institute Inquiries to

ascertain the Facts to be taken into account in effecting the Apportionment of the Compensation Fund between the Proprietors in each Colony.

‘ Slaves to be manumitted by virtue of this Act, in each of the said Colonies respectively, of that Part of the said Compensation Fund which shall be so assigned as aforesaid to each of the respective Colonies : And whereas the necessary Rules for that Purpose cannot be properly or safely established until after full Inquiry shall have been made into the several Circumstances which ought to be taken into consideration in making such Apportionment ;’ be it therefore enacted, That it shall be the Duty of the said Commissioners, and they are hereby authorized and required, to institute a full and exact Inquiry into all the Circumstances connected with each of the said several Colonies which in the Judgment of the said Commissioners ought, in Justice and Equity, to regulate or affect the Apportionment within the same of that Part of the said general Compensation Fund which shall in manner aforesaid be assigned to each of the said Colonies respectively ; and especially such Commissioners shall have regard to the relative Value of prædial Slaves and of unattached Slaves in every such Colony ; and such Commissioners shall distinguish such Slaves, whether prædial or unattached, into as many distinct Classes as, regard being had to the Circumstances of each Colony, shall appear just ; and such Commissioners shall, with all practicable Precision, ascertain and fix the average Value of a Slave in each of the Classes into which the Slaves in any such Colony shall be so divided ; and the said Commissioners shall also proceed to inquire and consider of the Principles according to which the Compensation to be allotted in respect to any Slave or Body of Slaves ought, according to the Rules of Law and Equity, to be distributed amongst Persons who, as Owners or Creditors, Legatees or Annuitants, may have any joint or common Interest in any such Slave or Slaves, or may be entitled to or interested in such Slave or Slaves, either in Possession, Remainder, Reversion, or Expectancy ; and the said Commissioners shall also proceed to inquire and consider of the Principles upon which and the Manner in which Provision might be most effectually made for the Protection of any Interest in any such Compensation Money which may belong to or be vested in any married Women, Infants, Lunatics, or Persons of insane or unsound Mind, or Persons beyond the Seas, or labouring under any other legal or natural Disability or Incapacity, and according to what Rules, and in what Manner, and under what Authority Trustees should, when necessary, be appointed for the safe Custody, for the Benefit of any Person or Persons, of any such Compensation Fund or of any Part thereof, and for regulating the Duties of such Trustees, and providing them with a fair and reasonable Indemnity ; and the said Commissioners shall also inquire and consider upon what Principles, according to the established Rules of Law and Equity in similar Cases, the Succession to such Funds should be regulated upon the Death of any Person entitled thereto who may die intestate ; and the said Commissioners shall and they are also authorized and required to consider of any other Question which it may be necessary to investigate in order to establish just and equitable Rules for the Apportionment of such Compensation Money amongst the Persons seized of, or entitled to, or having any Mortgage, Charge, Incumbrance, Judgment, or Lien upon, or any Claim to, or Right or Interest in, any Slave or Slaves so to be manumitted as aforesaid, at the Time of such their Manumission ;

and having made all such Inquiries, and having taken all such Matters and Things as aforesaid into their Consideration, the said Commissioners shall and are hereby required to proceed to draw up and frame all such general Rules, regard being had to the Laws and Usages in force in each Colony respectively, as to them may seem best adapted in each Colony respectively for securing the just and equitable Distribution of the said Funds amongst or for the Benefit of such several Persons as aforesaid, and for the Protection of such Funds, and for the Appointment and Indemnification of such Trustees as aforesaid; and such general Rules when so framed, and when agreed upon by the said Commissioners, shall by them be subscribed with their respective Hands and Seals, and transmitted to the Lord President of His Majesty's Council, to be by him laid before His Majesty in Council; and so from Time to Time as often as any further general Rules should be so framed and agreed to for the Purposes aforesaid or any of them.

Having made the Inquiries, Commissioners to frame general Rules for the equitable Distribution of the Fund assigned to each Colony.

Such Rules to be laid before His Majesty in Council.

XLVIII. And be it further enacted, That the general Rules to be transmitted as aforesaid to the said Lord President shall be forthwith published in the *London Gazette* on Three several Occasions at least, together with a Notice that all Persons interested in or affected by any such general Rules may, by a Time to be in such Notice limited, appeal against any such Rules to His Majesty in Council; and it shall be lawful for the Lords and others of His Majesty's Privy Council, or for any Three or more of them, by any further Notice or Notices to be for that Purpose published in the *London Gazette*, to enlarge, as to them may seem meet, the Time for receiving any such Appeals.

Rules to be published in the *London Gazette*, with a Notice that Appeals will be received against their Establishment.

XLIX. And be it further enacted, That if within the Time so to be limited for receiving such Appeals any Person or Persons shall prefer any Petition of Appeal to His Majesty in Council against any such General Rule so published as aforesaid in the *London Gazette*, it shall be lawful for His Majesty in Council, or for any Committee of Privy Council, to hear such Appeal, and to cause Notice thereof to be served upon the said Commissioners, who shall thereupon undertake the Defence of such Appeal; and upon hearing any such Appeal it shall be lawful for His Majesty in Council to confirm and annul or to rescind and disallow any such general Rule as aforesaid, or thereupon to alter, amend, or vary any such Rule in such Manner as to His Majesty may seem just, or to remit the same to the said Commissioners for further Consideration and Revision.

His Majesty in Council may hear such Appeals, and thereupon confirm or disallow any general Rule so appealed against.

L. And be it further enacted, That at the Expiration of the Time limited for receiving such Appeals as aforesaid it shall be lawful for His Majesty in Council to confirm and allow, or to rescind and disallow, in the whole or in part, or to amend, alter, or vary, any such general Rule or Rules, though not so appealed against, as to His Majesty may seem just, or to remit such Rules to the said Commissioners for further Consideration and Revision.

In Absence of Appeal, His Majesty in Council may confirm, rescind, or amend such Rules.

LI. And be it further enacted, That when and so often as any such general Rule or Rules as aforesaid shall by His Majesty in Council have been confirmed and allowed, an Order shall be made by His Majesty in Council, reciting at length any such Rule or Rules, with any Alterations or Amendments which may have been therein made as aforesaid; and a Copy of every such Order in Council shall be duly certified by the Lord President of His Majesty's

Rules when confirmed by His Majesty shall be recited in the confirmatory Order in Council, and enrolled in Chancery.

jesty's Council for the Time being to the Lord High Chancellor or Keeper of the Great Seal, or to the Master of the Rolls, for the Time being, and shall be duly inrolled among the Records of the High Court of Chancery, and shall there remain and be of Record.

Rules so inrolled may be revoked or amended.

LII. And be it further enacted, That it shall be lawful, by any Rules so to be framed, published, confirmed, allowed, and inrolled as aforesaid, to revoke, amend, alter, and again renew, as Occasion may require, and as may be thought just, any former or preceding Rule or Rules.

Rules when confirmed and inrolled shall be of the same Validity as if enacted by Parliament.

LIII. And be it further enacted, That every such general Rule as aforesaid, when so inrolled as aforesaid, shall be of the same Validity, Force, Virtue, and Effect as if the same had been made and enacted by His Majesty, by and with the Advice and Consent of Parliament: Provided nevertheless, that no such Rule shall be in anywise repugnant to or at variance with this Act or any Part thereof, or with the Laws and Usages in force in the several Colonies respectively to which such Rules may relate, so far as any such Laws or Usages may not be repugnant to or at variance with the Provisions of this Act.

Rules so inrolled shall be observed by the Commissioners in making their Awards.

LIV. And be it further enacted, That the said general Rules, when so framed, confirmed, allowed, and inrolled as aforesaid, shall be observed and followed by the said Commissioners, and shall be binding upon them in the further Execution of the said Commission, and in the Exercise of the Powers and Authorities hereby committed to them, and shall in all Cases be taken, observed, and followed as the Rules for the Decision of and Adjudication upon all Claims which may be preferred to them by any Person or Persons having or claiming to have any Interest in the said Compensation Fund or in any Part thereof.

Persons interested in any Slaves manumitted by this Act may prefer Claims before the Commissioners, who are to make Rules for the Conduct of all Proceedings under the Commission.

LV. And be it further enacted, That any Person having or claiming to have had any Right, Title, or Interest in or to, or any Mortgage, Judgment, Charge, Incumbrance, or other Lien upon, any Slave or Slaves so to be manumitted as aforesaid, at the Time of such their Manumission, shall and may prefer such Claims before the said Commissioners; and for ensuring Method, Regularity, and Dispatch in the Mode of preferring and of proceeding upon such Claims, the said Commissioners shall and are hereby authorized by general Rules, to be framed and published, confirmed, allowed, and inrolled as aforesaid, to prescribe the Form and Manner of Proceeding to be observed by any Claimant or Claimants preferring any such Claims, and to authorize the Assistant Commissioners so to be appointed in the said several Colonies to receive and report upon the same or any of them in such Manner and Form and under such Regulations as to the Commissioners so to be appointed by His Majesty as aforesaid shall seem meet, and to prescribe the Manner, the Time or Times, the Place or Places, and the Form or Forms in which Notices of such Claims shall be published for general Information, or especially communicated to or served upon any Person or Persons interested therein or affected thereby, and to prescribe the Form and Manner of Proceeding to be observed upon the Prosecution of such Claims, or in making any Opposition to the same, and to make all such Regulations as to them may seem best adapted for promoting Method, Economy, and Dispatch in the Investigation of such Claims, and respecting the Evidence to be taken and admitted for or against the same, and respecting the Manner and Form of adjudicating thereupon,

thereupon, and otherwise however respecting the Method, Form, and Manner of Proceeding to be observed either by them the said Assistant Commissioners, or by the Parties to any Proceedings before them, their Agents or Witnesses, and which Rules shall from Time to Time be liable to be amended, altered, varied, or renewed as Occasion may require, in such Manner as is herein-before directed.

LVI. And be it further enacted, That the said Commissioners shall proceed, in the Manner to be prescribed by any such general Rules as last aforesaid, to inquire into and adjudicate upon any such Claims as may be so preferred to them, and shall upon each such Claim make their Adjudication and Award in such Manner and Form as shall be prescribed by any such last-mentioned general Rules; and if any Person interested in or affected by any such Adjudication or Award shall be dissatisfied therewith, it shall be lawful for such Person to appeal therefrom to His Majesty in Council, and Notice of any such Appeal shall be served upon the said Commissioners, who shall thereupon undertake the Defence thereof; and it shall be competent to His Majesty in Council to make and establish all such Rules and Regulations as to His Majesty shall seem meet respecting the Time and Manner of preferring and proceeding upon such Appeals, and respecting the Course to be observed in defending the same, which Rules shall be so framed as to promote, as far as may be consistent with Justice, all practicable Economy and Dispatch in the proceeding upon the Decision thereof; and in Cases in which any Two or more Persons shall have preferred before the said Commissioners adverse or opposing Claims, and in which any or either of such Persons shall be interested to sustain the Adjudications or Award of such Commissioners thereupon, then and in every such Case it shall be lawful for any Person or Persons so interested to undertake the Defence of any such Appeal in lieu and instead of the said Commissioners.

Commissioners to adjudicate on all Claims preferred to them.

Appeal may be made against Adjudication.

His Majesty in Council may make Rules for the Regulation of such Appeals.

In adverse Claims, any Claimant interested in the Adjudication may undertake its Defence.

LVII. And be it further enacted, That it shall be lawful for His Majesty in Council, upon hearing any such Appeal as aforesaid, either to confirm and allow or to reverse or to amend or alter any such Adjudication or Award as to His Majesty in Council shall seem fit, or to remit any such Adjudication and Award to the said Commissioners for further Consideration and Revision, or for the Admission of further Evidence; but it shall not be lawful for His Majesty in Council, upon the hearing of any such Appeal, to admit any new Evidence which was not admitted by or tendered to the said Commissioners before the making of such their Adjudication and Award.

His Majesty in Council may confirm or disallow or alter or remit Adjudication appealed against.

LVIII. And be it further enacted, That the several Adjudications and Awards of the said Commissioners, unless duly appealed from within the respective Times to be limited by His Majesty in Council for that Purpose, shall be final and conclusive and binding upon all Persons interested therein or affected thereby; and that the Decisions of His Majesty in Council upon any such Appeal shall in like Manner be final, binding, and conclusive.

Failing any Appeal, the Award of the Commissioners final.

LIX. And be it further enacted, That the Lord High Treasurer, or the Commissioners of His Majesty's Treasury, or any Three or more of them, for the Time being, may order and direct to be issued and paid out of the said Sum of Twenty Millions of Pounds Sterling

Treasury may order Issues of Money for Payment of Salaries, &c.

Sterling any Sum or Sums of Money for the Payment of Salaries to Commissioners, Officers, Clerks, and other Persons acting in relation to such Compensation in the Execution of this Act, and for discharging such incidental Expences as shall necessarily attend the same, in such Manner as the Lord High Treasurer, or Commissioners of the Treasury, or any Three or more of them, shall from Time to Time think fit and reasonable; and an Account of such Expence shall be annually laid before Parliament.

Manner in
which Sums
awarded by
Commissioners
are to be paid.

LX. And be it enacted, That a Certificate containing a List of the Names and Designation of the several Persons in whose Favour any Sum or Sums of Money shall be awarded from Time to Time under the Provisions of this Act by the Commissioners, as herein-before mentioned, shall be signed by Three or more of the said Commissioners, who shall forthwith transmit the same to His Majesty's Principal Secretary of State then having Charge of the Affairs of the said Colonies, for his Approbation and Signature, who shall, when he shall have signed the same, transmit it to the Commissioners of His Majesty's Treasury; and the said Commissioners of the Treasury, or any Three of such Commissioners, shall thereupon, by Warrant under their Hands, authorize the Commissioners for the Reduction of the National Debt to pay the said Sums, out of the Monies standing upon their Account in the Books of the said Bank under the Title of "*The West India Compensation Account,*" to the Persons named in such Certificate; and the said Commissioners for the Reduction of the National Debt, or the Comptroller General or Assistant Comptroller General acting under the said Commissioners, are hereby required to pay all such Sums of Money to the Persons named therein under such Forms and Regulations as the said Commissioners for the Reduction of the National Debt shall think fit to adopt for that Purpose.

13 & 14 C. 2.
c. 1.

17 C. 2. c. 2.

22 C. 2. c. 1.

1 & 2 W. & M.
c. 18.

10 Ann. c. 2.

LXI. ' And whereas in some of the Colonies aforesaid a certain Statute, made in the Thirteenth and Fourteenth Years of King Charles the Second, intituled *An Act for preventing the Mischiefs and Dangers that may arise by certain Persons called Quakers and others refusing to take lawful Oaths*; and a certain other Statute made in the Seventeenth Year of King Charles the Second, intituled *An Act for restraining Nonconformists from inhabiting in Corporations*; and a certain other Statute, made in the Twenty-second Year of King Charles the Second, intituled *An Act to prevent and suppress seditious Conventicles*; and a certain other Statute, made in the First and Second Year of King William and Queen Mary, intituled *An Act for exempting Their Majesties Protestant Subjects dissenting from the Church of England from the Penalties of certain Laws*; and a certain other Statute, made in the Tenth Year of Queen Anne, intituled *An Act for preserving the Protestant Religion by better securing the Church of England as by Law established; and for confirming the Toleration granted to Protestant Dissenters by an Act intituled 'An Act for exempting Their Majesties Protestant Subjects dissenting from the Church of England from the Penalties of certain Laws,' and for supplying the Defects thereof; and for the further securing the Protestant Succession by requiring the Practicers of the Law in North Briton to take the Oaths and subscribe the Declaration therein mentioned*; or some or one of those Statutes, or some Parts thereof or of some of them, have
' and

‘ and hath been adopted, and are or is in force;’ be it further enacted, That in such of the Colonies aforesaid in which the said several Statutes or any of them, or any Parts thereof or any of them, have or hath been adopted and are or is in force, a certain Statute made in the Fifty-second Year of His late Majesty King *George* the Third, intituled *An Act to repeal certain Acts and amend other Acts relating to Religious Worship and Assemblies, and Persons teaching or preaching therein*, shall be and is hereby declared to be in force as fully and effectually as if such Colonies had been expressly named and enumerated for that Purpose in such last-recited Statute: Provided nevertheless, that in the said several Colonies to which the said Act of His late Majesty King *George* the Third is so extended and declared applicable as aforesaid any Two or more Justices of the Peace holding any such special Commission as aforesaid shall have, exercise, and enjoy all and every the Jurisdiction, Powers, and Authorities whatsoever which by force and virtue of the said Act are within the Realm of *England* had, exercised, and enjoyed by the several Justices of the Peace, and by the General and Quarter Sessions therein mentioned.

52 G. 3. c. 155.
extended to
Colonies in
which any of
recited Acts are
in force.

Special Justices
to have same
Power in Colo-
nies as Justices
under
52 G. 3. c. 155.

LXII. ‘ And whereas in the Settlements in the Occupation of ‘ His Majesty and of His Majesty’s Subjects in *Honduras*, no Law ‘ is in force for the Registration of Slaves, and Doubts might be ‘ entertained respecting the Authority of His Majesty, with the ‘ Advice of His Privy Council, to make Laws binding on His ‘ Majesty’s Subjects therein;’ be it therefore declared and enacted, That it is and shall be lawful for His Majesty, by any Order or Orders to be by Him for that Purpose made with the Advice of His Privy Council, to establish a Registry of Slaves for the Purposes of this Act within the said Settlement; and all Laws made by His Majesty for the Government of His said Subjects shall, for the Purposes of this Act, be as valid and effectual as any Laws made by His Majesty in Council for the Government of any Colonies subject to the Legislative Authority of His Majesty in Council are or can be.

His Majesty in
Council may
make all neces-
sary Laws for
giving effect to
this Act in the
Settlement of
Honduras.

LXIII. And be it further enacted, That within the Meaning and for the Purposes of this Act every Person who for the Time being shall be in the lawful Administration of the Government of any of the said Colonies shall be taken to be the Governor thereof.

The Word Go-
vernor defined.

LXIV. And be it further enacted, That nothing in this Act contained doth or shall extend to any of the Territories in the Possession of the *East India* Company, or to the Island of *Ceylon*, or to the Island of *Saint Helena*.

Act not to
extend to East
Indies, &c.

LXV. And be it further enacted, That in the Colonies of the *Cape of Good Hope* and *Mauritius* the several Parts of this Act shall take effect and come into operation, or shall cease to operate and to be in force, as the Case may be, at Periods more remote than the respective Periods herein-before for such Purposes limited by the following Intervals of Time; *videlicet*, by Four Calendar Months in the Colony of the *Cape of Good Hope*, and by Six Calendar Months in the Colony of the *Mauritius*.

When Act to
come into ope-
ration at the
*Cape of Good
Hope* and
Mauritius.

LXVI. And be it further enacted and declared, That within the Meaning and for the Purposes of this Act all Islands and Territories dependent upon any of the Colonies aforesaid, and constituting Parts of the same Colonial Government, shall respectively be taken to be Parts of such respective Colonies.

Islands depen-
dent upon Colo-
nies deemed
Part of such.

CAP. LXXIV.

An Act for the Abolition of Fines and Recoveries, and for the Substitution of more simple Modes of Assurance. [28th August 1833.]

Meaning of
certain Words
and Expressions
“Lands.”

“Estate.”

“Base Fee.”

“Estate Tail.”

“Actual Tenant
in Tail.”

“Tenant in
Tail.”

“Tenant in
Tail entitled to
a Base Fee.”

“Money.”

“Person.”

Number and
Gender.

BE it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in the Construction of this Act the Word “Lands” shall extend to Manors, Advowsons, Rectories, Messuages, Lands, Tenements, Tithes, Rents, and Hereditaments of any Tenure (except Copy of Court Roll), and whether corporeal or incorporeal, and any undivided Share thereof, but when accompanied by some Expression including or denoting the Tenure by Copy of Court Roll, shall extend to Manors, Messuages, Lands, Tenements, and Hereditaments of that Tenure, and any undivided Share thereof; and the Word “Estate” shall extend to an Estate in Equity as well as at Law, and shall also extend to any Interest, Charge, Lien, or Incumbrance in, upon, or affecting Lands, either at Law or in Equity, and shall also extend to any Interest, Charge, Lien, or Incumbrance in, upon, or affecting Money subject to be invested in the Purchase of Lands; and the Expression “Base Fee” shall mean exclusively that Estate in Fee Simple into which an Estate Tail is converted where the Issue in Tail are barred, but Persons claiming Estates by way of Remainder or otherwise are not barred; and the Expression “Estate Tail,” in addition to its usual Meaning, shall mean a Base Fee into which an Estate Tail shall have been converted; and the Expression “actual Tenant in Tail” shall mean exclusively the Tenant of an Estate Tail which shall not have been barred, and such Tenant shall be deemed an actual Tenant in Tail, although the Estate Tail may have been divested or turned to a Right; and the Expression “Tenant in Tail” shall mean not only an actual Tenant in Tail, but also a Person who, where an Estate Tail shall have been barred and converted into a Base Fee, would have been Tenant of such Estate Tail if the same had not been barred; and the Expression “Tenant in Tail entitled to a Base Fee” shall mean a Person entitled to a Base Fee, or to the ultimate beneficial Interest in a Base Fee, and who, if the Base Fee had not been created, would have been actual Tenant in Tail; and the Expression “Money subject to be invested in the Purchase of Lands” shall include Money, whether raised or to be raised, and whether the Amount thereof be or be not ascertained, and shall extend to Stocks and Funds, and Real and other Securities, the Produce of which is directed to be invested in the Purchase of Lands, and the Lands to be purchased with such Money or Produce shall extend to Lands held by Copy of Court Roll, and also to Lands of any Tenure, in *Ireland* or elsewhere out of *England*, where such Lands or any of them are within the Scope or Meaning of the Trust or Power directing or authorizing the Purchase; and the Word “Person” shall extend to a Body Politic, Corporate, or Collegiate, as well as an Individual; and every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing; and every Word importing

the Plural Number shall extend and be applied to one Person or Thing as well as several Persons or Things; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male; and every Assurance already made or hereafter to be made, whether by Deed, Will, Private Act of Parliament, or otherwise, by which Lands are or shall be entailed, or agreed or directed to be entailed, shall be deemed a Settlement; and every Appointment made in exercise of any Power contained in any Settlement, or of any other Power arising out of the Power contained in any Settlement, shall be considered as Part of such Settlement, and the Estate created by such Appointment shall be considered as having been created by such Settlement; and where any such Settlement is or shall be made by Will, the Time of the Death of the Testator shall be considered the Time when such Settlement was made: Provided always, that those Words and Expressions occurring in this Clause, to which more than One Meaning is to be attached, shall not have the different Meanings given to them by this Clause in those Cases in which there is any thing in the Subject or Context repugnant to such Construction.

Settlement.

II. And be it further enacted, That after the Thirty-first Day of *December* One thousand eight hundred and thirty-three no Fine shall be levied or Common Recovery suffered of Lands of any Tenure, except where Parties intending to levy a Fine or suffer a Common Recovery shall, on or before the Thirty-first Day of *December* One thousand eight hundred and thirty-three, have sued out a Writ of Dedimus, or any other Writ, in the regular Proceedings of such Fine or Recovery; and any Fine or Common Recovery which shall be levied or suffered contrary to this Provision shall be absolutely void.

No Fine or Recovery to be levied or suffered after the 31st of Dec. 1833.

III. And be it further enacted, That in case any Person shall, after the Thirty-first Day of *December* One thousand eight hundred and thirty-three, be liable to levy a Fine or suffer a Common Recovery of Lands of any Tenure, or to procure some other Person to levy a Fine or suffer a Common Recovery of Lands of any Tenure, under a Covenant or Agreement already entered into or hereafter to be entered into, before the First Day of *January* One thousand eight hundred and thirty-four, then and in such Case, if all the Purposes intended to be effected by such Fine or Recovery can be effected by a Disposition under this Act, the Person liable to levy such Fine or suffer such Recovery, or to procure some other Person to levy such Fine or suffer such Recovery, shall, after the Thirty-first Day of *December* One thousand eight hundred and thirty-three, be subject and liable under such Covenant or Agreement to make or to procure to be made such a Disposition under this Act as will effect all the Purposes intended to be effected by such Fine or Recovery; but if some only of the Purposes intended to be effected by such Fine or Recovery can be effected by a Disposition under this Act, then the Person so liable to levy such Fine or suffer such Recovery, or to procure some other Person to levy such Fine or suffer such Recovery as aforesaid, shall, after the Thirty-first Day of *December* One thousand eight hundred and thirty-three, be subject and liable under such Covenant or Agreement to make or procure to be made such a Disposition under this Act as will effect such of the Purposes intended to be effected by such Fine or Recovery as can be effected

Persons liable after 31st Dec. 1833 to levy Fines or suffer Recoveries under Covenants to effect the Purposes intended by means of this Act; but in any case where the Purpose of a Fine or Recovery cannot be so effected the Persons liable to levy Fines or suffer Recoveries shall execute a Deed which shall have the same Operation as the Fine or Recovery.

by a Disposition under this Act; and in those Cases where the Purposes intended to be effected by such Fine or Recovery or any of them cannot be effected by any Disposition under this Act, then the Person so liable to levy such Fine or suffer such Recovery, or to procure some other Person to levy such Fine or suffer such Recovery as aforesaid, shall, after the Thirty-first Day of *December* One thousand eight hundred and thirty-three, be liable under such Covenant or Agreement to execute or to procure to be executed some Deed whereby the Person intended to levy such Fine or suffer such Recovery shall declare his Desire that such Deed shall have the same Operation and Effect as such Fine or Recovery would have had if the same had been actually levied or suffered; and the Deed by which such Declaration shall be made shall, if none of the Purposes intended to be effected by such Fine or Recovery can be effected by a Disposition under this Act, have the same Operation and Effect in every respect as such Fine or Recovery would have had if the same had been actually levied or suffered; but if some only of the Purposes intended to be effected by such Fine or Recovery can be effected by a Disposition under this Act, then the Deed by which such Declaration shall be made shall, so far as the Purposes intended to be effected by such Fine or Recovery cannot be effected by a Disposition under this Act, have the same Operation and Effect in every respect as such Fine or Recovery would have had if the same had been actually levied or suffered.

Fines and Recoveries of Lands in Ancient Demesne, when levied or suffered in a superior Court, may be reversed as to the Lord by Writs of Deceit, the Proceedings in which are now pending, or by Writs of Deceit hereafter to be brought, but shall be as valid against the Parties thereto, and Persons claiming under them, as if not reversed as to the Lord.

IV. And be it further enacted, That no Fine already levied in a superior Court of Lands of the Tenure of Ancient Demesne which hath not been reversed, and no Fine hereafter to be levied of Lands of that Tenure, shall, upon a Writ of Deceit already brought by the Lord of the Manor of which the Lands were Parcel, the Proceedings in which are now pending, or upon a Writ of Deceit which at any Time after the passing of this Act may be brought by the Lord of the said Manor, be reversed as to any Person except the Lord of the said Manor; and the Court shall order such Fine to be vacated only as to the Lord of the said Manor; and every such Fine which may be reversed as to the Lord of the said Manor upon such Writ of Deceit as aforesaid shall still remain as good and valid against and as binding upon the Consors thereof, and all Persons claiming under them, as such Fine would have been if the same had not been reversed by such Writ of Deceit as aforesaid; and no Common Recovery already suffered in a superior Court of Lands of the Tenure of Ancient Demesne which hath not been reversed, and no Common Recovery hereafter to be suffered of Lands of that Tenure, shall, upon a Writ of Deceit already brought by the Lord of the Manor of which the Lands were Parcel, the Proceedings in which are now pending, or upon a Writ of Deceit which at any Time after the passing of this Act may be brought by the Lord of the said Manor, be reversed as to any Person except the Lord of the said Manor; and the Court shall order such Recovery to be vacated only as to the Lord of the said Manor; and every such Recovery which may be reversed as to the Lord of the said Manor upon such Writ of Deceit as aforesaid shall still remain as good and valid against and as binding upon the Vouchees therein, and all Persons claiming under them, as such Recovery would have been if the same had not been reversed by such Writ of Deceit as aforesaid.

V. And

V. And be it further enacted, That if at any Time before or after the passing of this Act a Fine or Common Recovery shall have been levied or suffered, or shall be levied or suffered in a superior Court, of Lands of the Tenure of Ancient Demesne, and subsequently to the levying or suffering thereof a Fine or Common Recovery shall have been or shall be levied or suffered of the same Lands in the Court of the Lord of the Manor of which the Lands had been previously Parcel, and the Fine or Common Recovery levied or suffered in such superior Court shall not have been reversed previously to the levying of the Fine or the suffering of the Common Recovery in the Lord's Court, then and in every such Case the Fine or Common Recovery levied or suffered in the Lord's Court shall, notwithstanding the Alteration or Change of the Tenure by the Fine or Common Recovery previously levied or suffered in the superior Court, be as good, valid, and binding as the same would have been if the Tenure had not been altered or changed; and that in every other Case where any Fine or Common Recovery shall at any Time before the passing of this Act have been levied or suffered in a Court whose Jurisdiction does not extend to the Lands of which such Fine or Recovery shall have been levied or suffered, such Fine or Recovery shall not be invalid in consequence of its having been levied or suffered in such Court, and such Court shall be deemed a Court of sufficient Jurisdiction for all the Purposes of such Fine or Recovery; and in every other Case where Persons shall have assumed to hold Courts in which Fines or Common Recoveries have been levied or suffered, and such Courts shall be unlawful or held without due Authority, the Fines or Common Recoveries which at any Time before the passing of this Act may have been levied or suffered in such unlawful or unauthorized Courts shall not be invalid in consequence of their having been levied or suffered therein, and such Courts shall be deemed Courts of sufficient Jurisdiction for all the Purposes of such Fines or Recoveries.

VI. And be it further enacted, That in every Case in which at any Time, either before or after the passing of this Act, the Tenure or Ancient Demesne has been or shall be suspended or destroyed by the levying of a Fine, or the suffering of a Common Recovery of Lands of that Tenure in a superior Court, and the Lord of the Manor of which the Lands at the Time of levying such Fine or suffering such Recovery were Parcel shall not reverse the same before the First Day of *January* One thousand eight hundred and thirty-four, and shall not by any Law in force on the first Day of this Session of Parliament be barred of his Right to reverse the same, such Lands, provided within the last Twenty Years immediately preceding the First Day of *January* One thousand eight hundred and thirty-four the Rights of the Lord of the Manor of which they shall have been Parcel shall in any Manner have been acknowledged or recognized as to the same Lands, shall, from the said First Day of *January* One thousand eight hundred and thirty-four, again become Parcel of the said Manor, and be subject to the same Heriots, Rents, and Services as they would have been subject to if such Fine or Recovery had not been levied or suffered; and no Writ of Deceit for the Reversal of any Fine or Common Recovery shall be brought after the Thirty-first Day of *December* One thousand eight hundred and thirty-three.

Fines and Recoveries of Lands in Ancient Demesne levied or suffered in the Manor Court, after other Fines and Recoveries in a superior Court, shall be as valid as if the Tenure had not been changed.

Fines and Recoveries shall not be invalid in other Cases, though levied or suffered in Courts whose Jurisdictions may not extend to the Lands therein comprised.

Tenure of Ancient Demesne, where suspended or destroyed by Fine or Recovery in a superior Court, restored in Cases in which the Rights of the Lord of the Manor shall have been recognized within 20 Years.

Fines made
valid without
Amendment.

VII. And be it further enacted, That if it shall be apparent, from the Deed declaring the Uses of any Fine already levied or hereafter to be levied, that there is in the Indentures, Record, or any of the Proceedings of such Fine any Error in the Name of the Conusor or Conusee of such Fine, or any Misdescription or Omission of Lands intended to have been passed by such Fine, then and in every such Case the Fine, without any Amendment of the Indentures, Record, or Proceedings in which such Error, Misdescription, or Omission shall have occurred, shall be as good and valid as the same would have been, and shall be held to have passed all the Lands intended to have been passed thereby in the same Manner as it would have done, if there had been no such Error, Misdescription, or Omission.

Recoveries made
valid without
Amendment.

VIII. And be it further enacted, That if it shall be apparent, from the Deed making the Tenant to the Writ of Entry or other Writ for suffering a Common Recovery already suffered or hereafter to be suffered, that there is in the Exemplification, Record, or any of the Proceedings of such Recovery any Error in the Name of the Tenant, Demandant, or Vouchee in such Recovery, or any Misdescription or Omission of Lands intended to have been passed by such Recovery, then and in every such Case the Recovery, without any Amendment of the Exemplification, Record, or Proceedings in which such Error, Misdescription, or Omission shall have occurred, shall be as good and valid as the same would have been, and shall be held to have passed all the Lands intended to have been passed thereby in the same Manner as it would have done, if there had been no such Error, Misdescription, or Omission.

Saving Jurisdiction in Cases
not provided for.

IX. Provided always, and be it further enacted, That nothing in this Act contained shall lessen or take away the Jurisdiction of any Court to amend any Fine or Common Recovery, or any Proceeding therein, in Cases not provided for by this Act.

Recoveries made
valid in certain
Cases where
Bargain and
Sale is not duly
inrolled.

X. And be it further enacted, That no Common Recovery already suffered or hereafter to be suffered shall be invalid in consequence of the Neglect to inrol in due Time a Bargain and Sale purporting to make the Tenant to the Writ of Entry or other Writ for suffering such Recovery, provided such Recovery would have been valid if the Bargain and Sale purporting to make the Tenant to the Writ had been duly inrolled.

Recoveries
invalid in consequence of
there not being
proper Tenants
to the Writs of
Entry made
valid in certain
Cases.

XI. And be it further enacted, That no Common Recovery already suffered or hereafter to be suffered shall be invalid in consequence of any Person in whom an Estate at Law was outstanding having omitted to make the Tenant to the Writ of Entry or other Writ for suffering such Recovery, provided the Person who was the Owner of or had Power to dispose of an Estate in possession, not being less than an Estate for a Life or Lives in the whole of the Rents and Profits of the Lands in which such Estate at Law was outstanding, or the ultimate Surplus of such Rents and Profits after Payment of any Charges thereout, and whether any Surplus after Payment of such Charges shall actually remain or not, shall, within the Time limited for making the Tenant to the Writ for suffering such Recovery, have conveyed or disposed of such Estate in possession to the Tenant to such Writ; and an Estate shall be deemed to be an Estate in possession, notwithstanding there shall be subsisting prior thereto any Lease for Lives or Years, absolute or determinable,

able, upon which a Rent is reserved, or any Term of Years upon which no Rent is reserved.

XII. Provided always, and be it further enacted, That where any Fine or Common Recovery shall before the passing of this Act have been wholly reversed, such Fine or Recovery shall not be rendered valid by this Act; and where any Fine or Common Recovery shall before the passing of this Act have been reversed as to some only of the Parties thereto, or as to some only of the Lands therein comprised, such Fine or Recovery shall not be rendered valid by this Act so far as the same shall have been reversed; and where any Person who would have been barred by any Fine or Common Recovery if valid shall before the passing of this Act have had any Dealings with the Lands comprised in such Fine or Recovery on the Faith of the same being invalid, such Fine or Recovery shall not be rendered valid by this Act; and this Act shall not render valid any Fine or Common Recovery as to Lands of which any Person shall at the Time of the passing of this Act be in possession in respect of any Estate which the Fine or Common Recovery, if valid, would have barred, nor any Fine or Common Recovery which, before the passing of this Act, any Court of competent Jurisdiction shall have refused to amend; nor shall this Act prejudice or affect any Proceedings at Law or in Equity, pending at the Time of the passing of this Act, in which the Validity of such Fine or Recovery shall be in question between the Party claiming under such Fine or Recovery and the Party claiming adversely thereto; and such Fine or Recovery, if the Result of such Proceedings shall be to invalidate the same, shall not be rendered valid by this Act; and if such Proceedings shall abate or become defective in consequence of the Death of the Party claiming under or adversely to such Fine or Recovery, any Person who but for this Act would have a Right of Action or Suit by reason of the Invalidity of such Fine or Recovery shall retain such Right, so that he commence Proceedings within Six Calendar Months after the Death of such Party.

Certain Cases in which Fines and Recoveries shall not be made valid by this Act.

XIII. And be it further enacted, That after the Thirty-first Day of December One thousand eight hundred and thirty-three the Records of all Fines and Common Recoveries levied and suffered in His Majesty's Court of Common Pleas at *Westminster*, and all the Proceedings thereof, shall be deposited in such Places and kept by such Persons as the said Court of Common Pleas shall from Time to Time order or direct; and the Records of all Fines and Common Recoveries levied and suffered in His Majesty's Court of Common Pleas at *Lancaster*, and all the Proceedings thereof, shall be deposited in such Places and kept by such Persons as His Majesty's Justices of Assize for the County Palatine of *Lancaster* for the Time being shall from Time to Time order or direct; and the Records of all Fines and Common Recoveries levied and suffered in the Court of Pleas of the County Palatine of *Durham*, and all the Proceedings thereof, shall be deposited in such Places and kept by such Persons as the said Court of Pleas shall from Time to Time order or direct; and in the meantime the said Records and Proceedings shall remain in the same Places respectively where they are now deposited, and be kept by the respective Persons who would have continued entitled to the Custody thereof if this Act had not been passed; and while the said Records and Proceedings respectively shall be kept by such

As to the Records of Fines and Recoveries in the Courts of Common Pleas at Westminster and Lancaster, and the Court of Pleas at Durham, after the 31st of Dec. 1833.

Persons respectively, Searches may be made and Extracts and Copies obtained as heretofore, and on paying the accustomed Fees; and when any of the Records and Proceedings shall, by the Order of the Court or Justices having the Control over the same, be kept by any other Person, then, so far as relates to the Records and Proceedings in the Custody of such other Person, Searches may be made and Extracts or Copies obtained at such Times and on paying such Fees as shall from Time to Time be ordered by the Court or Justices having the Control over the same; and the Extracts or Copies so obtained shall be as available in Evidence as they would have been if obtained from the Person whose Duty it would have been to have made and delivered out the same if this Act had not been passed.

Estates Tail, and Estates expectant thereon, no longer barrable by Warranty.

XIV. And be it further enacted, That all Warranties of Lands which after the Thirty-first Day of *December* One thousand eight hundred and thirty-three shall be made or entered into by any Tenant in Tail thereof shall be absolutely void against the Issue in Tail, and all Persons whose Estates are to take effect after the Determination or in defeasance of the Estate Tail.

Power, after the 31st of Dec. 1833, to dispose of Lands entailed in Fee Simple or for a less Estate, saving the Rights of certain Persons.

XV. And be it further enacted, That after the Thirty-first Day of *December* One thousand eight hundred and thirty-three every actual Tenant in Tail, whether in Possession, Remainder, Contingency, or otherwise, shall have full Power to dispose of for an Estate in Fee Simple absolute, or for any less Estate, the Lands entailed, as against all Persons claiming the Lands entailed by force of any Estate Tail which shall be vested in or might be claimed by, or which but for some previous Act would have been vested in or might have been claimed by, the Person making the Disposition, at the Time of his making the same, and also as against all Persons, including the King's most Excellent Majesty, His Heirs and Successors, whose Estates are to take effect after the Determination or in defeasance of any such Estate Tail; saving always the Rights of all Persons in respect of Estates prior to the Estate Tail in respect of which such Disposition shall be made, and the Rights of all other Persons, except those against whom such Disposition is by this Act authorized to be made.

Power of Disposition not to be exercised by Women Tenants in Tail ex Provisions Viri, under 11 H. 7. c. 20. except with Assent.

XVI. Provided always, and be it further enacted, That where, under any Settlement made before the passing of this Act, any Woman shall be Tenant in Tail of Lands within the Provisions of an Act passed in the Eleventh Year of the Reign of His Majesty King *Henry* the Seventh, intituled *Certain Alienations made by the Wife of the Lands of her deceased Husband shall be void*, the Power of Disposition herein-before contained as to such Lands shall not be exercised by her except with such Assent as, if this Act had not been passed, would, under the Provisions of the said Act of King *Henry* the Seventh, have rendered valid a Fine or Common Recovery levied or suffered by her of such Lands.

Except as to Lands in Settlements before this Act, the Act 11 H. 7. c. 20. repealed.

XVII. Provided always, and be it further enacted, That, except as to Lands comprised in any Settlement made before the passing of this Act, the said Act of the Eleventh Year of the Reign of His Majesty King *Henry* the Seventh shall be and the same is hereby repealed.

The Power of Disposition not

XVIII. Provided always, and be it further enacted, That the Power of Disposition herein-before contained shall not extend to Tenants

Tenants of Estates Tail who, by an Act passed in the Thirty-fourth and Thirty-fifth Years of the Reign of His Majesty King *Henry the Eighth*, intituled *An Act to embar feigned Recovery of Lands wherein the King is in Reversion*, or by any other Act; are restrained from barring their Estates Tail, or to Tenants in Tail after Possibility of Issue extinct.

to extend to certain Tenants in Tail.

XIX. And be it further enacted, That after the Thirty-first Day of *December* One thousand eight hundred and thirty-three, in every Case in which an Estate Tail in any Lands shall have been barred and converted into a Base Fee, either before or on or after that Day, the Person who, if such Estate Tail had not been barred, would have been actual Tenant in Tail of the same Lands, shall have full Power to dispose of such Lands as against all Persons, including the King's most Excellent Majesty, His Heirs and Successors, whose Estates are to take effect after the Determination or in defeasance of the Base Fee into which the Estate Tail shall have been converted, so as to enlarge the Base Fee into a Fee Simple absolute; saving always the Rights of all Persons in respect of Estates prior to the Estate Tail which shall have been converted into a Base Fee, and the Rights of all other Persons, except those against whom such Disposition is by this Act authorized to be made.

Power, after the 31st of Dec. 1833, to enlarge Base Fees; saving the Rights of certain Persons.

XX. Provided always, and be it further enacted, That nothing in this Act contained shall enable any Person to dispose of any Lands entailed in respect of any expectant Interest which he may have as Issue inheritable to any Estate Tail therein.

Issue inheritable not to bar Expectancies.

XXI. Provided always, and be it further enacted, That if a Tenant in Tail of Lands shall make a Disposition of the same, under this Act, by way of Mortgage, or for any other limited Purpose, then and in such Case such Disposition shall, to the Extent of the Estate thereby created, be an absolute Bar in Equity as well as at Law to all Persons as against whom such Disposition is by this Act authorized to be made, notwithstanding any Intention to the contrary may be expressed or implied in the Deed by which the Disposition may be effected: Provided always, that if the Estate created by such Disposition shall be only an Estate pour autre vie, or for Years absolute or determinable, or if, by a Disposition under this Act by a Tenant in Tail of Lands, an Interest, Charge, Lien, or Incumbrance shall be created without a Term of Years absolute or determinable, or any greater Estate, for securing or raising the same, then such Disposition shall in Equity be a Bar only so far as may be necessary to give full Effect to the Mortgage, or to such other limited Purpose, or to such Interest, Lien, Charge, or Incumbrance, notwithstanding any Intention to the contrary may be expressed or implied in the Deed by which the Disposition may be effected.

Extent of the Estate created by a Tenant in Tail by way of Mortgage, or for any other limited Purpose.

XXII. And be it further enacted, That if at the Time when there shall be a Tenant in Tail of Lands under a Settlement there shall be subsisting in the same Lands or any of them, under the same Settlement, any Estate for Years determinable on the dropping of a Life or Lives, or any greater Estate (not being an Estate for Years), prior to the Estate Tail, then the Person who shall be the Owner of the prior Estate, or the first of such prior Estates if more than One, then subsisting under the same Settlement, or who would have been so if no absolute Disposition thereof had been made, (the first of such prior Estates, if more than One, being for all the Purposes

The Owner of the first existing Estate under a Settlement, prior to an Estate Tail under the same Settlement, to be the Protector of the Settlement.

poses of this Act deemed the prior Estate,) shall be the Protector of the Settlement so far as regards the Lands in which such prior Estate shall be subsisting, and shall for all the Purposes of this Act be deemed the Owner of such prior Estate, although the same may have been charged or incumbered either by the Owner thereof or by the Settlor, or otherwise howsoever, and although the whole of the Rents and Profits be exhausted or required for the Payment of the Charges and Incumbrances on such prior Estate, and although such prior Estate may have been absolutely disposed of by the Owner thereof, or by or in consequence of the Bankruptcy or Insolvency of such Owner, or by any other Act or Default of such Owner; and that an Estate by the Curtesy, in respect of the Estate Tail, or of any prior Estate created by the same Settlement, shall be deemed a prior Estate under the same Settlement within the Meaning of this Clause; and that an Estate by way of resulting Use or Trust to or for the Settlor shall be deemed an Estate under the same Settlement within the Meaning of this Clause.

Each of Two or more Owners of a prior Estate to be the sole Protector as to his Share.

XXIII. Provided always, and be it further enacted, That where Two or more Persons shall be Owners, under a Settlement within the Meaning of this Act, of a prior Estate, the sole Owner of which Estate, if there had been only One, would in respect thereof have been the Protector of such Settlement, each of such Persons, in respect of such undivided Share as he could dispose of, shall for all the Purposes of this Act be deemed the Owner of a prior Estate, and shall, in exclusion of the other or others of them, be the sole Protector of such Settlement to the Extent of such undivided Share.

Where a married Woman alone shall be the Protector, and where she and her Husband together shall be Protector.

XXIV. Provided always, and be it further enacted, That where a married Woman would, if single, be the Protector of a Settlement in respect of a prior Estate, which is not thereby settled, or agreed or directed to be settled, to her separate Use, she and her Husband together shall in respect of such Estate be the Protector of such Settlement, and shall be deemed One Owner; but if such prior Estate shall by such Settlement have been settled, or agreed or directed to be settled, to her separate Use, then and in such Case she alone shall in respect of such Estate be the Protector of such Settlement.

As to Estates confirmed or restored by Settlement.

XXV. Provided always, and be it further enacted, That, except in the Case of a Lease herein-after provided for, where an Estate shall be limited by a Settlement by way of Confirmation, or where the Settlement shall merely have the Effect of restoring an Estate, in either of those Cases such Estate shall for the Purposes of this Act, so far as regards the Protector of the Settlement, be deemed an Estate subsisting under such Settlement.

As to Leases at Rent created by Settlement.

XXVI. Provided always, and be it further enacted, That where a Lease at a Rent shall be created or confirmed by a Settlement, the Person in whose Favour such Lease shall be created or confirmed shall not in respect thereof be the Protector of such Settlement.

No Tenant in Dower, Heir, Executor, &c. to be Protector, except in the Case of a bare Trustee.

XXVII. Provided always, and be it further enacted, That no Woman in respect of her Dower, and (except in the Case herein-after provided for of a bare Trustee under a Settlement made on or before the Thirty-first Day of *December* One thousand eight hundred and thirty-three) no bare Trustee, Heir, Executor, Administrator, or Assign, in respect of any Estate taken by him as such bare Trustee,

Trustee, Heir, Executor, Administrator, or Assign, shall be the Protector of a Settlement.

XXVIII. Provided always, and be it further enacted, That where under any Settlement there shall be more than One Estate prior to an Estate Tail, and the Person who shall be the Owner within the Meaning of this Act of any such prior Estate, in respect of which but for the Two last preceding Clauses, or either of them, he would have been the Protector of the Settlement, shall by virtue of such Clauses, or either of them, be excluded from being the Protector, then and in such Case the Person (if any) who if such Estate did not exist would be the Protector of the Settlement shall be such Protector.

Who shall be the Protector where the Owner of the prior Estate shall, by the Two last Clauses, be excluded.

XXIX. Provided always, and be it further enacted, That where already, or on or before the Thirty-first Day of *December* One thousand eight hundred and thirty-three, an Estate under a Settlement shall have been disposed of either absolutely or otherwise, and either for valuable Consideration or not, the Person who in respect of such Estate would, if this Act had not been passed, have been the proper Person to have made the Tenant to the Writ of Entry or other Writ for suffering a Common Recovery of the Lands entailed by such Settlement, shall, during the Continuance of the Estate which conferred the Right to make the Tenant to such Writ of Entry or other Writ, be the Protector of such Settlement.

Where, in the Disposition of an Estate before the 31st Dec. 1833, the Person to make the Tenant to the Writ of Entry in a Recovery shall be the Protector.

XXX. Provided always, and be it further enacted, That where any Person having either already, or on or before the Thirty-first Day of *December* One thousand eight hundred and thirty-three, either for valuable Consideration or not, disposed of, either absolutely or otherwise, a Remainder or Reversion in Fee in any Lands, or created any Estate out of such Remainder or Reversion, would under this Act, if this Clause had not been inserted, have been the Protector of the Settlement by which the Lands were entailed in which such Remainder or Reversion may be subsisting, and thereby be enabled to concur in the barring of such Remainder or Reversion, which he could not have done if he had not become such Protector, then and in every such Case the Person who, if this Act had not been passed, would have been the proper Person to have made the Tenant to the Writ of Entry or other Writ for suffering a Common Recovery of such Lands, shall, during the Continuance of the Estate which conferred the Right to make the Tenant to such Writ of Entry or other Writ, be the Protector of such Settlement.

Where, in the Case of the Disposition of a Reversion on or before the 31st of Dec. 1833, the Person to make the Tenant to the Writ of Entry in a Recovery shall be the Protector.

XXXI. Provided always, and be it further enacted, That where, under any Settlement of Lands made before the passing of this Act, the Person who, if this Act had not been passed, would have been the proper Person to make the Tenant to the Writ of Entry or other Writ for suffering a Common Recovery of such Lands for the Purpose of barring any Estate Tail or other Estate under such Settlement, shall be a bare Trustee, such Trustee shall, during the Continuance of the Estate conferring on him the Right to make the Tenant to such Writ of Entry or other Writ, be the Protector of such Settlement.

Where a bare Trustee under a Settlement made before the passing of this Act shall be the Protector.

XXXII. Provided always, and be it further enacted, That it shall be lawful for any Settlor entailing Lands to appoint, by the Settlement by which the Lands shall be entailed, any Number of Persons in esse, not exceeding Three, and not being Aliens, to be Protector

Power to any Settlor to appoint the Protector.

Protector of the Settlement in lieu of the Person who would have been the Protector if this Clause had not been inserted, and either for the Whole or any Part of the Period for which such Person might have continued Protector, and by means of a Power to be inserted in such Settlement to perpetuate during the Whole or any Part of such Period the Protectorship of the Settlement in any One Person or Number of Persons in esse, and not being an Alien or Aliens, whom the Donee of the Power shall think proper by Deed to appoint Protector of the Settlement in the Place of any One Person or Number of Persons who shall die or shall by Deed relinquish his or their Office of Protector; and the Person or Persons so appointed shall, in case of there being no other Person then Protector of the Settlement, be the Protector, and shall, in case of there being any other Person then Protector of the Settlement, be Protector jointly with such other Person: Provided nevertheless, that by virtue or means of any such Appointment the Number of the Persons to compose the Protector shall never exceed Three: Provided further nevertheless, that every Deed by which a Protector shall be appointed under a Power in a Settlement, and every Deed by which a Protector shall relinquish his Office, shall be void unless inrolled in His Majesty's High Court of Chancery within Six Calendar Months after the Execution thereof: Provided further nevertheless, that the Person who but for this Clause would have been sole Protector of the Settlement may be one of the Persons to be appointed Protector under this Clause, if the Settlor shall think fit, and shall, unless otherwise directed by the Settlor, act as sole Protector if the other Persons constituting the Protector shall have ceased to be so by Death or Relinquishment of the Office by Deed, and no other Person shall have been appointed in their Place.

In Cases of Lunacy, the Lord Chancellor or Lord Keeper or Lords Commissioners, or other Persons intrusted with Lunatics, or in Cases of Treason or Felony, &c. the Court of Chancery, to be the Protector.

XXXIII. Provided always, and be it further enacted, That if any Person, Protector of a Settlement, shall be Lunatic, Idiot, or of unsound Mind, and whether he shall have been found such by Inquisition or not, then the Lord High Chancellor of *Great Britain*, or the Lord Keeper or the Lords Commissioners for the Custody of the Great Seal of *Great Britain*, for the Time being, or other the Person or Persons for the Time being intrusted by the King's Sign Manual with the Care and Commitment of the Custody of the Persons and Estates of Persons found Lunatic, Idiot, and of unsound Mind, shall be the Protector of such Settlement in lieu of the Person who shall be such Lunatic or Idiot or of unsound Mind as aforesaid; or if any Person, Protector of a Settlement, shall be convicted of Treason or Felony, or if any Person, not being the Owner of a prior Estate under a Settlement, shall be Protector of such Settlement, and shall be an Infant, or if it shall be uncertain whether such last-mentioned Person be living or dead, then His Majesty's High Court of Chancery shall be the Protector of such Settlement in lieu of the Person who shall be an Infant, or whose Existence cannot be ascertained as aforesaid; or if any Settlor entailing Lands shall in the Settlement by which the Lands shall be entailed declare that the Person who as Owner of a prior Estate under such Settlement would be entitled to be Protector of the Settlement shall not be such Protector, and shall not appoint any Person to be Protector in his Stead, then the said Court of Chancery shall, as to the Lands in which such prior Estate shall be subsisting,

sisting, be the Protector of the Settlement during the Continuance of such Estate; or if in any other Case where there shall be subsisting under a Settlement an Estate prior to an Estate Tail under the same Settlement, and such prior Estate shall be sufficient to qualify the Owner thereof to be Protector of the Settlement, and there shall happen at any Time to be no Protector of the Settlement as to the Lands in which the prior Estate shall be subsisting, the said Court of Chancery shall, while there shall be no such Protector, and the prior Estate shall be subsisting, be the Protector of the Settlement as to such Lands.

XXXIV. Provided always, and be it further enacted, That if at the Time when any Person, actual Tenant in Tail of Lands under a Settlement, but not entitled to the Remainder or Reversion in Fee immediately expectant on the Determination of his Estate Tail, shall be desirous of making under this Act a Disposition of the Lands entailed, there shall be a Protector of such Settlement, then and in every such Case the Consent of such Protector shall be requisite to enable such actual Tenant in Tail to dispose of the Lands entailed to the full Extent to which he is herein-before authorized to dispose of the same; but such actual Tenant in Tail may, without such Consent, make a Disposition under this Act of the Lands entailed, which shall be good against all Persons who, by force of any Estate Tail which shall be vested in or might be claimed by, or which but for some previous Act or Default would have been vested in or might have been claimed by, the Person making the Disposition at the Time of his making the same, shall claim the Lands entailed.

Where there is a Protector, his Consent requisite to enable an actual Tenant in Tail to create a larger Estate than a Base Fee.

XXXV. Provided always, and be it further enacted, That where an Estate Tail shall have been converted into a Base Fee, in such Case, so long as there shall be a Protector of the Settlement by which the Estate Tail was created, the Consent of such Protector shall be requisite to enable the Person who would have been Tenant of the Estate Tail if the same had not been barred to exercise, as to the Lands in respect of which there shall be such Protector, the Power of Disposition herein-before contained.

Where a Base Fee, and a Protector, his Consent requisite to the exercising of a Power of Disposition.

XXXVI. And be it further enacted, That any Device, Shift, or Contrivance by which it shall be attempted to control the Protector of a Settlement in giving his Consent, or to prevent him in any way from using his absolute Discretion in regard to his Consent, and also any Agreement entered into by the Protector of a Settlement to withhold his Consent, shall be void; and that the Protector of a Settlement shall not be deemed to be a Trustee in respect of his Power of Consent; and a Court of Equity shall not control or interfere to restrain the Exercise of his Power of Consent, nor treat his giving Consent as a Breach of Trust.

The Protector to be subject to no Control in the Exercise of his Power of consenting.

XXXVII. Provided always, and be it further enacted, That the Rules of Equity in relation to Dealings and Transactions between the Donee of a Power and any Object of the Power in whose Favour the same may be exercised, shall not be held to apply to Dealings and Transactions between the Protector of a Settlement and a Tenant in Tail under the same Settlement, upon the Occasion of the Protector giving his Consent to a Disposition by a Tenant in Tail under this Act.

Certain Rules of Equity not to apply between the Protector and a Tenant in Tail under the same.

XXXVIII. Pro-

A voidable Estate by a Tenant in Tail, in favour of a Purchaser, confirmed by a subsequent Disposition of such Tenant in Tail under this Act, but not against a Purchaser without Notice.

XXXVIII. Provided always, and be it further enacted, That when a Tenant in Tail of Lands under a Settlement shall have already created or shall hereafter create in such Lands, or any of them, a voidable Estate in favour of a Purchaser for valuable Consideration, and shall afterwards under this Act, by any Assurance other than a Lease not requiring Inrolment, make a Disposition of the Lands in which such voidable Estate shall be created, or any of them, such Disposition, whatever its Object may be, and whatever may be the Extent of the Estate intended to be thereby created, shall, if made by the Tenant in Tail with the Consent of the Protector (if any) of the Settlement, or by the Tenant in Tail alone, if there shall be no such Protector, have the Effect of confirming such voidable Estate in the Lands thereby disposed of to its full Extent as against all Persons except those whose Rights are saved by this Act; but if at the Time of making the Disposition there shall be a Protector of the Settlement, and such Protector shall not consent to the Disposition, and the Tenant in Tail shall not without such Consent be capable under this Act of confirming the voidable Estate to its full Extent, then and in such Case such Disposition shall have the Effect of confirming such voidable Estate so far as such Tenant in Tail would then be capable under this Act of confirming the same without such Consent: Provided always, that if such Disposition shall be made to a Purchaser for valuable Consideration, who shall not have express Notice of the voidable Estate, then and in such Case the voidable Estate shall not be confirmed as against such Purchaser and the Persons claiming under him.

Base Fees, when united with the immediate Reversions, enlarged instead of being merged.

XXXIX. And be it further enacted, That if a Base Fee in any Lands, and the Remainder or Reversion in Fee in the same Lands, shall at the Time of the passing of this Act, or at any Time afterwards, be united in the same Person, and at any Time after the passing of this Act there shall be no intermediate Estate between the Base Fee and the Remainder or Reversion, then and in such Case the Base Fee shall not merge, but shall be *ipso facto* enlarged into as large an Estate as the Tenant in Tail, with the Consent of the Protector, if any, might have created by any Disposition under this Act if such Remainder or Reversion had been vested in any other Person.

Tenant in Tail to make a Disposition by Deed as if seised in Fee, but not by Will or Contract; and if a married Woman, with her Husband's Concurrence.

XL. And be it further enacted, That every Disposition of Lands under this Act by a Tenant in Tail thereof shall be effected by some one of the Assurances (not being a Will) by which such Tenant in Tail could have made the Disposition if his Estate were an Estate at Law in Fee Simple absolute: Provided nevertheless, that no Disposition by a Tenant in Tail shall be of any Force either at Law or in Equity, under this Act, unless made or evidenced by Deed; and that no Disposition by a Tenant in Tail resting only in Contract, either express or implied, or otherwise, and whether supported by a valuable or meritorious Consideration or not, shall be of any Force at Law or in Equity under this Act, notwithstanding such Disposition shall be made or evidenced by Deed; and if the Tenant in Tail making the Disposition shall be a married Woman, the Concurrence of her Husband shall be necessary to give effect to the same; and any Deed which may be executed by her for effecting the Disposition shall be acknowledged by her as herein-after directed.

XLI. Pro-

XLI. Provided always, and be it further enacted, That no Assurance by which any Disposition of Lands shall be effected under this Act by a Tenant in Tail thereof (except a Lease for any Term not exceeding Twenty-one Years, to commence from the Date of such Lease, or from any Time not exceeding Twelve Calendar Months from the Date of such Lease, where a Rent shall be thereby reserved, which, at the Time of granting such Lease, shall be a Rack Rent, or not less than Five Sixth Parts of a Rack Rent,) shall have any Operation under this Act unless it be inrolled in His Majesty's High Court of Chancery within Six Calendar Months after the Execution thereof; and if the Assurance by which any Disposition of Lands shall be effected under this Act shall be a Bargain and Sale, such Assurance, although not inrolled within the Time prescribed by the Act passed in the Twenty-seventh Year of the Reign of His Majesty King *Henry* the Eighth, intituled *For Inrollment of Bargains and Sales*, shall, if inrolled in the said Court of Chancery within the Time prescribed by this Clause, be as good and valid as the same would have been if the same had been inrolled in the said Court within the Time prescribed by the said Act of *Henry* the Eighth.

Every Assurance by a Tenant in Tail, except a Lease not exceeding 21 Years at a Rack Rent, or not less than Five Sixths of a Rack Rent, to be inoperative unless inrolled in Chancery within Six Months.

27 H. 8. c. 16.

XLII. And be it further enacted, That the Consent of the Protector of a Settlement to the Disposition under this Act of a Tenant in Tail shall be given either by the same Assurance by which the Disposition shall be effected, or by a Deed distinct from the Assurance, and to be executed either on or at any Time before the Day on which the Assurance shall be made, otherwise the Consent shall be void.

Consent of the Protector to be given by the same Assurance or by a distinct Deed.

XLIII. And be it further enacted, That if the Protector of a Settlement shall, by a distinct Deed, give his Consent to the Disposition of a Tenant in Tail, it shall be considered that such Protector has given an absolute and unqualified Consent, unless in such Deed he shall refer to the particular Assurance by which the Disposition shall be effected, and shall confine his Consent to the Disposition thereby made.

If by distinct Deed, to be considered unqualified, unless he refer to the Assurance.

XLIV. And be it further enacted, That it shall not be lawful for the Protector of a Settlement who, under this Act, shall have given his Consent to the Disposition of a Tenant in Tail, to revoke such Consent.

Protector not to revoke his Consent.

XLV. And be it further enacted, That any married Woman, being either alone or jointly with her Husband Protector of a Settlement, may under this Act, in the same Manner as if she were a Feme Sole, give her Consent to the Disposition of a Tenant in Tail.

A married Woman Protector to consent as a Feme Sole.

XLVI. Provided always, and be it further enacted, That the Consent of a Protector to the Disposition of a Tenant in Tail shall, if given by a Deed distinct from the Assurance by which the Disposition shall be effected by the Tenant in Tail, be void, unless such Deed be inrolled in His Majesty's High Court of Chancery either at or before the Time when the Assurance shall be inrolled.

Consent of a Protector by distinct Deed void, unless inrolled with or before the Assurance.

XLVII. And be it further enacted, That in Cases of Dispositions of Lands under this Act by Tenants in Tail thereof, and also in Cases of Consents by Protectors of Settlements to Dispositions of Lands under this Act by Tenants in Tail thereof, the Jurisdiction of Courts of Equity shall be altogether excluded, either on the Behalf

Courts of Equity excluded from giving any Effect to Dispositions by Tenants in Tail, or Consents of Protectors of

Settlements,
which in Courts
of Law would
not be effectual.

Behalf of a Person claiming for a valuable or meritorious Consideration, or not, in regard to the specific Performance of Contracts, and the supplying of Defects in the Execution either of the Powers of Disposition given by this Act to Tenants in Tail, or of the Powers of Consent given by this Act to Protectors of Settlements, and the supplying under any Circumstances of the Want of Execution of such Powers of Disposition and Consent respectively, and in regard to giving effect in any other Manner to any Act or Deed by a Tenant in Tail or Protector of a Settlement which in a Court of Law would not be an effectual Disposition or Consent under this Act; and that no Disposition of Lands under this Act by a Tenant in Tail thereof in Equity, and no Consent by a Protector of a Settlement to a Disposition of Lands under this Act by a Tenant in Tail thereof in Equity, shall be of any Force unless such Disposition or Consent would in case of an Estate Tail at Law be an effectual Disposition or Consent under this Act in a Court of Law.

Lord Chan-
cellor, &c. to
have Power to
consent to a
Disposition by
a Tenant in
Tail, and to
make such
Orders as shall
be thought ne-
cessary; and if
any other Per-
son shall be
joint Protector
the Disposition
not to be valid
without his
Consent.

XLVIII. Provided always, and be it further enacted, That in every Case in which the Lord High Chancellor, Lord Keeper or Lords Commissioners for the Custody of the Great Seal, or other the Person or Persons intrusted with the Care and Commitment of the Custody of the Persons and Estates of Persons found lunatic, idiot, and of unsound Mind, or His Majesty's High Court of Chancery, shall be the Protector of a Settlement, such Lord High Chancellor, Lord Keeper, or Lords Commissioners, or Person or Persons so intrusted as aforesaid, or the said Court of Chancery (as the Case may be), while Protector of such Settlement, shall, on the Motion or Petition in a summary Way by a Tenant in Tail under such Settlement, have full Power to consent to a Disposition under this Act by such Tenant in Tail, and the Disposition to be made by such Tenant in Tail upon such Motion or Petition as aforesaid shall be such as shall be approved of by such Lord High Chancellor, Lord Keeper, or Lords Commissioners, or Person or Persons so intrusted as aforesaid, or the said Court of Chancery (as the Case may be); and it shall be lawful for such Lord High Chancellor, Lord Keeper, or Lords Commissioners, or Person or Persons so intrusted as aforesaid, or the said Court of Chancery (as the Case may be), to make such Orders in the Matter as shall be thought necessary; and if such Lord High Chancellor, Lord Keeper, or Lords Commissioners, or Person or Persons so intrusted as aforesaid, or the said Court of Chancery (as the Case may be), shall, in lieu of any such Person as aforesaid, be the Protector of a Settlement, and there shall be any other Person Protector of the same Settlement jointly with such Person as aforesaid, then and in every such Case the Disposition by the Tenant in Tail, though approved of as aforesaid, shall not be valid, unless such other Person being Protector as aforesaid shall consent thereto in the Manner in which the Consent of the Protector is by this Act required to be given.

Order of the
Lord Chan-
cellor, &c. to be
Evidence of
Consent.

XLIX. Provided always, and be it further enacted, That in every Case in which the Lord High Chancellor, Lord Keeper or Lords Commissioners for the Custody of the Great Seal, or other the Person or Persons intrusted with the Care and Commitment of the Custody of the Persons and Estates of Persons found lunatic, idiot, and of unsound Mind, or His Majesty's High Court of Chancery, shall be the Protector of a Settlement, no Document or Instrument,

as Evidence of the Consent of such Protector to the Disposition of a Tenant in Tail under such Settlement, shall be requisite beyond the Order in obedience to which the Disposition shall have been made.

L. And be it further enacted, That all the previous Clauses in this Act, so far as Circumstances and the different Tenures will admit, shall apply to Lands held by Copy of Court Roll, except that a Disposition of any such Lands under this Act by a Tenant in Tail thereof, whose Estate shall be an Estate at Law, shall be made by Surrender, and except that a Disposition of any such Lands under this Act by a Tenant in Tail thereof, whose Estate shall be merely an Estate in Equity, may be made either by Surrender or by a Deed as herein-after provided, and except so far as such Clauses are otherwise altered or varied by the Clauses herein-after contained.

The previous Clauses to apply to Copyholds, with certain Variations.

LI. Provided always, and be it further enacted, That if the Consent of the Protector of a Settlement to the Disposition of Lands held by Copy of Court Roll by a Tenant in Tail thereof shall be given by Deed, such Deed shall, either at or before the Time when the Surrender shall be made by which the Disposition shall be effected, be executed by such Protector, and produced to the Lord of the Manor of which the Lands are Parcel, or to his Steward, or to the Deputy of such Steward; and the Consent of such Protector shall be void unless such Deed shall be so executed and produced; and on the Production of the Deed the Lord, or Steward or Deputy Steward, shall by Writing under his Hand, to be indorsed on the Deed, acknowledge that the same was produced within the Time limited, and shall cause such Deed, with the Indorsement thereon, to be entered on the Court Rolls of the Manor; and the Indorsement, purporting to be so signed, shall of itself be *prima facie* Evidence that the Deed was produced within the Time limited, and that the Person who signed the Indorsement was the Lord of the Manor, or his Steward, or the Deputy of such Steward; and after such Deed shall have been so entered the Lord of the Manor, or his Steward, or the Deputy of such Steward, shall indorse thereon a Memorandum signed by him, testifying the Entry of the same on the Court Rolls.

As to the Deed of Consent and the Entry of it on the Court Rolls where the Protector of a Settlement of Copyholds consents by Deed to the Disposition of a Tenant in Tail.

LII. Provided always, and be it further enacted, That if the Consent of the Protector of a Settlement to the Disposition of Lands held by Copy of Court Roll by a Tenant in Tail thereof shall not be given by Deed, then and in such Case the Consent shall be given by the Protector to the Person taking the Surrender by which the Disposition shall be effected; and if the Surrender shall be made out of Court, it shall be expressly stated in the Memorandum of such Surrender that such Consent had been given, and such Memorandum shall be signed by the Protector; and the Lord of the Manor of which the Lands are Parcel, or his Steward, or the Deputy of such Steward, shall cause the Memorandum, with such Statement therein as to the Consent, to be entered on the Court Rolls of the Manor; and such Memorandum shall be good Evidence of the Consent and of the Surrender therein stated to be made; and the Entry of the Memorandum on the Court Rolls, or a Copy of such Entry, shall be as available for the Purposes of Evidence as any other Entry on the Court Rolls, or a Copy thereof; but if the Surrender shall be made in Court, the Lord of the Manor, or his

As to the Consent of the Protector of a Settlement of Copyholds when not given by Deed, and the preserving of Evidence of the same on the Court Rolls.

Steward, or the Deputy of such Steward, shall cause an Entry of such Surrender, containing a Statement that such Consent had been given, to be made on the Court Rolls; and the Entry of such Surrender on the Court Rolls, or a Copy of such Entry, shall be as available for the Purposes of Evidence as any other Entry on the Court Rolls, or a Copy thereof.

Power to equitable Tenants in Tail of Copyholds to dispose of their Lands by Deed.

LIII. Provided always, and be it further enacted, That a Tenant in Tail of Lands held by Copy of Court Roll, whose Estate shall be merely an Estate in Equity, shall have full Power by Deed to dispose of such Lands under this Act in the same Manner in every respect as he could have done if they had been of Freehold Tenure; and all the previous Clauses in this Act shall, so far as Circumstances will admit, apply to the Lands in respect of which any such equitable Tenant in Tail shall avail himself of this present Clause; and the Deed by which the Disposition shall be effected shall be entered on the Court Rolls of the Manor of which the Lands thereby disposed of may be Parcel; and if there shall be a Protector to consent to the Disposition, and such Protector shall give his Consent by a distinct Deed, the Consent shall be void unless the Deed of Consent be executed by the Protector either on or at any Time before the Day on which the Deed of Disposition shall be executed by the equitable Tenant in Tail; and such Deed of Consent shall be entered on the Court Rolls; and it shall be imperative on the Lord of the Manor, or his Steward, or the Deputy of such Steward, when required so to do, to enter such Deed or Deeds on the Court Rolls, and he shall indorse on each Deed so entered a Memorandum, signed by him, testifying the Entry of the same on the Court Rolls: Provided always, that every Deed by which Lands held by Copy of Court Roll shall be disposed of under this Clause, by an equitable Tenant in Tail thereof, shall be void against any Person claiming such Lands, or any of them, for valuable Consideration under any subsequent Assurance duly entered on the Court Rolls of the Manor of which the Lands may be Parcel, unless the Deed of Disposition by the equitable Tenant in Tail be entered on the Court Rolls of such Manor before the subsequent Assurance shall have been entered.

Inrolment not necessary as to Copyholds.

LIV. Provided always, and be it further enacted, That in no Case where any Disposition under this Act of Lands held by Copy of Court Roll, by a Tenant in Tail thereof, shall be effected by Surrender or by Deed, shall the Surrender or the Memorandum, or a Copy thereof, or the Deed of Disposition, or the Deed, if any, by which the Protector shall consent to the Disposition, require Inrolment otherwise than by Entry on the Court Rolls.

Repeal of the Bankrupt Act, 6 G. 4. c. 16. s. 65., so far as relates to Estates Tail, but not to extend to Lands of a Bankrupt under a Commission or Fiat issued on or before the 31st of Dec. 1833, nor to revive former

LV. And be it further enacted, That after the Thirty-first Day of December One thousand eight hundred and thirty-three so much of an Act passed in the Sixth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to amend the Laws relating to Bankrupts*, as empowers the Commissioners named in any Commission of Bankrupt issued against a Tenant in Tail to make Sale of any Lands, Tenements, and Hereditaments, situate either in England or Ireland, whereof such Bankrupt shall be seised of any Estate Tail in Possession, Reversion, or Remainder, and whereof no Reversion or Remainder is in the Crown, the Gift or Provision of the Crown, shall be and the same is hereby repealed: Provided

always, that such Repeal shall not extend to the Lands, whatever the Tenure may be, of any Person adjudged a Bankrupt under any Commission of Bankrupt, or under any Fiat which, in pursuance of the said Act of the Sixth Year of the Reign of King *George* the Fourth, or of any former Act concerning Bankrupts, or of an Act passed in the First and Second Years of the Reign of His Majesty King *William* the Fourth, intituled *An Act to establish a Court of Bankruptcy*, hath been or shall be issued on or before the Thirty-first Day of *December* One thousand eight hundred and thirty-three: Provided also, that such Repeal shall not have the Effect of reviving in any respect the Acts repealed by the said Act of the Sixth Year of the Reign of King *George* the Fourth, or any of them.

LVI. And be it further enacted, That any Commissioner acting in the Execution of any Fiat which after the Thirty-first Day of *December* One thousand eight hundred and thirty-three shall be issued in pursuance of the said Act passed in the First and Second Years of the Reign of King *William* the Fourth, under which any Person shall be adjudged a Bankrupt who at the Time of issuing such Fiat, or at any Time afterwards, before he shall have obtained his Certificate, shall be an actual Tenant in Tail of Lands of any Tenure, shall by Deed dispose of such Lands to a Purchaser for valuable Consideration, for the Benefit of the Creditors of such actual Tenant in Tail, and shall create by any such Disposition as large an Estate in the Lands disposed of as the actual Tenant in Tail, if he had not become bankrupt, could have done under this Act at the Time of such Disposition: Provided always, that if at the Time of the Disposition of such Lands, or any of them, by such Commissioner as aforesaid, there shall be a Protector of the Settlement by which the Estate of such actual Tenant in Tail in the Lands disposed of by such Commissioner was created, and the Consent of such Protector would have been requisite to have enabled the actual Tenant in Tail, if he had not become bankrupt, to have disposed of such Lands to the full Extent to which, if there had been no such Protector, he could under this Act have disposed of the same, and such Protector shall not consent to the Disposition, then and in such Case the Estate created in such Lands, or any of them, by the Disposition of such Commissioner, shall be as large an Estate as the actual Tenant in Tail, if he had not become bankrupt, could at the Time of such Disposition have created under this Act in such Lands without the Consent of the Protector.

The Commissioner, in the Case of an actual Tenant in Tail becoming bankrupt after the 31st of Dec. 1833, by Deed to dispose of the Lands of the Bankrupt to a Purchaser.

LVII. And be it further enacted, That any Commissioner acting in the Execution of any such Fiat as aforesaid under which any Person shall be adjudged a Bankrupt who at the Time of issuing such Fiat, or at any Time afterwards before he shall have obtained his Certificate, shall be a Tenant in Tail entitled to a Base Fee in Lands of any Tenure, shall by Deed dispose of such Lands to a Purchaser for valuable Consideration, for the Benefit of the Creditors of the Person so entitled as aforesaid, provided at the Time of the Disposition there be no Protector of the Settlement by which the Estate Tail converted into the Base Fee was created; and by such Disposition the Base Fee shall be enlarged into as large an Estate as the same could at the Time of such Disposition have been enlarged into under this Act by the Person so entitled if he had not become bankrupt.

Commissioner, in case of a Tenant in Tail entitled to a Base Fee becoming bankrupt, and of there being no Protector, by Deed to dispose of the Lands of the Bankrupt to a Purchaser.

As to the Consent of the Protector in case of Bankruptcy.

LVIII. And be it further enacted, That the Commissioner acting in the Execution of any such Fiat as aforesaid under which a Person being, or before obtaining his Certificate becoming, an actual Tenant in Tail of Lands of any Tenure, or a Tenant in Tail entitled to a Base Fee in Lands of any Tenure, shall be adjudged a Bankrupt, shall, if there shall be a Protector of the Settlement by which the Estate Tail of such actual Tenant in Tail, or the Estate Tail converted into a Base Fee (as the Case may be), was created, stand in the Place of such actual Tenant in Tail, or Tenant in Tail so entitled as aforesaid, so far as regards the Consent of such Protector: and the Disposition of such Lands, or any of them, by such Commissioner as aforesaid, if made with the Consent of such Protector, shall, whether such Commissioner may have made under this Act a prior Disposition of the same Lands without the Consent of such Protector or not, or whether a prior Sale or Conveyance of the same Lands shall have been made or not, under the said Acts of the Sixth Year of King *George* the Fourth and the First and Second Years of King *William* the Fourth, or either of them, or any Acts hereafter to be passed concerning Bankrupts, have the same Effect as such Disposition would have had if such actual Tenant in Tail, or Tenant in Tail so entitled as aforesaid, had not become bankrupt, and such Disposition had been made by him under this Act, with the Consent of such Protector; and all the previous Clauses in this Act, in regard to the Consent of the Protector to the Disposition of a Tenant in Tail of Lands not held by Copy of Court Roll, and in regard to the Time and Manner of giving such Consent, and in regard to the Inrolment of the Deed of Consent, where such Deed shall be distinct from the Assurance by which the Disposition of the Commissioner shall be effected, shall, except so far as the same may be varied by the Clause next herein-after contained, apply to every Consent that may be given by virtue of this present Clause.

As to the Inrolment in Chancery of the Deed of Disposition of Freehold Lands, and the Entry on the Court Rolls of the Deed of Disposition of Copyhold Lands;

LIX. And be it further enacted, That every Deed by which any Commissioner acting in the Execution of any such Fiat as aforesaid shall, under this Act, dispose of Lands not held by Copy of Court Roll shall be void unless inrolled in His Majesty's High Court of Chancery within Six Calendar Months after the Execution thereof; and every Deed by which any Commissioner acting in the Execution of any such Fiat as aforesaid shall, under this Act, dispose of Lands held by Copy of Court Roll, shall be entered on the Court Rolls of the Manor of which the Lands may be Parcel; and if there shall be a Protector who shall consent to the Disposition of such Lands held by Copy of Court Roll, and he shall give his Consent by a distinct Deed, the Consent shall be void unless the Deed of Consent be executed by the Protector either on or at any Time before the Day on which the Deed of Disposition shall be executed by the Commissioner; and such Deed of Consent shall be entered on the Court Rolls; and it shall be imperative on the Lord of every Manor of which any Lands disposed of under this Act by any such Commissioner as aforesaid may be Parcel, or the Steward of such Lord, or the Deputy of such Steward, to enter on the Court Rolls of the Manor every Deed required by this present Clause to be entered on the Court Rolls, and he shall indorse on every Deed so entered a Memorandum, signed by him, testifying the Entry of the same on the Court Rolls.

and of the Deed of Consent.

LX. And be it further enacted, That if any Commissioner acting in the Execution of any such Fiat as aforesaid shall, under this Act, dispose of any Lands of any Tenure of which the Bankrupt shall be actual Tenant in Tail, and in consequence of there being a Protector of the Settlement by which the Estate of such actual Tenant in Tail was created, and of his not giving his Consent, only a Base Fee shall by such Disposition be created in such Lands, and if at any Time afterwards during the Continuance of the Base Fee there shall cease to be a Protector of such Settlement, then and in such Case, and immediately thereupon, such Base Fee shall be enlarged into the same Estate into which the same could have been enlarged under this Act if at the Time of the Disposition by such Commissioner as aforesaid there had been no such Protector.

Subsequent
Enlargement of
Base Fees
created by the
Disposition of
the Commis-
sioner.

LXI. And be it further enacted, That if a Tenant in Tail entitled to a Base Fee in Lands of any Tenure shall be adjudged a Bankrupt at the Time when there shall be a Protector of the Settlement by which the Estate Tail converted into the Base Fee was created, and if such Lands shall be sold or conveyed under the said Acts of the Sixth Year of King *George* the Fourth and the First and Second Years of King *William* the Fourth, or either of them, or any other Acts hereafter to be passed concerning Bankrupts, and if at any Time afterwards during the Continuance of the Base Fee in such Lands there shall cease to be a Protector of such Settlement, then and in such Case, and immediately thereupon, the Base Fee in such Lands shall be enlarged into the same Estate into which the same could have been enlarged under this Act if at the Time of the Adjudication of such Bankruptcy there had been no such Protector, and the Commissioner acting in the Execution of the Fiat under which the Tenant in Tail so entitled shall have been adjudged a Bankrupt had disposed of such Lands under this Act.

Enlargement
of Base Fees
subsequent to
the Sale or
Conveyance of
the same under
the Bankrupt
Acts.

LXII. Provided always, and be it further enacted, That where an actual Tenant in Tail of Lands of any Tenure, or a Tenant in Tail entitled to a Base Fee in Lands of any Tenure, shall have already created or shall hereafter create in such Lands, or any of them, a voidable Estate in favour of a Purchaser for valuable Consideration, and such actual Tenant in Tail, or Tenant in Tail so entitled as aforesaid, shall be adjudged a Bankrupt under any such Fiat as aforesaid, and the Commissioner acting in the Execution of such Fiat shall make any Disposition under this Act of the Lands in which such voidable Estate shall be created, or any of them, then and in such Case, if there shall be no Protector of the Settlement by which the Estate Tail of the actual Tenant in Tail, or the Estate Tail converted into a Base Fee, as the Case may be, was created, or being such Protector he shall consent to the Disposition by such Commissioner as aforesaid, whether such Commissioner may have made under this Act a previous Disposition of such Lands or not, or whether a prior Sale or Conveyance of the same Lands shall have been made or not under the said Acts of the Sixth Year of King *George* the Fourth and the First and Second Years of King *William* the Fourth, or either of them, or any other Acts hereafter to be passed concerning Bankrupts, the Disposition by such Commissioner shall have the Effect of confirming such voidable Estate in the Lands thereby disposed of to its full Extent as against all Persons except those whose Rights are saved by this Act; and if

A voidable
Estate created
in favour of a
Purchaser by an
actual Tenant
in Tail becom-
ing bankrupt,
or by a Tenant
in Tail entitled
to a Base Fee
becoming bank-
rupt, confirmed
by the Disposi-
tion of the
Commissioner,
if no Protector,
or being such
with his Con-
sent, or on there
ceasing to be a
Protector; but
not against a
Purchaser,
without Notice.

at the Time of the Disposition by such Commissioner, in the Case of an actual Tenant in Tail, there shall be a Protector, and such Protector shall not consent to the Disposition by such Commissioner, and such actual Tenant in Tail, if he had not been adjudged a Bankrupt would not without such Consent have been capable under this Act of confirming the voidable Estate to its full Extent, then and in such Case such Disposition shall have the Effect of confirming such voidable Estate so far as such actual Tenant in Tail, if he had not been adjudged a Bankrupt, could at the Time of such Disposition have been capable under this Act of confirming the same without such Consent; and if at any Time after the Disposition of such Lands by such Commissioner, and while only a Base Fee shall be subsisting in such Lands, there shall cease to be a Protector of such Settlement, and such Protector shall not have consented to the Disposition by such Commissioner, then and in such Case such voidable Estate, so far as the same may not have been previously confirmed, shall be confirmed to its full Extent as against all Persons except those whose Rights are saved by this Act: Provided always, that if the Disposition by any such Commissioner as aforesaid shall be made to a Purchaser for valuable Consideration, who shall not have express Notice of the voidable Estate, then and in such Case the voidable Estate shall not be confirmed against such Purchaser and the Persons claiming under him.

Acts of a bankrupt Tenant in Tail void against any Disposition under this Act by the Commissioner.

LXIII. And be it further enacted, That all Acts and Deeds done and executed by a Tenant in Tail of Lands of any Tenure, who shall be adjudged a Bankrupt under any such Fiat as aforesaid, and which shall affect such Lands or any of them, and which, if he had been seised of or entitled to such Lands in Fee Simple absolute, would have been void against the Assignees of the Bankrupt's Estate, and all Persons claiming under them, shall be void against any Disposition which may be made of such Lands under this Act by such Commissioner as aforesaid.

Subject to the Powers given to the Commissioner, and to the Estate in the Assignees, a bankrupt Tenant in Tail shall retain his Powers of Disposition.

LXIV. Provided always, and be it further enacted, That, subject and without Prejudice to the Powers of Disposition given by this Act to the Commissioner acting in the Execution of any such Fiat as aforesaid under which a Person being, or before obtaining his Certificate becoming, an actual Tenant in Tail of Lands of any Tenure, or a Tenant in Tail entitled to a Base Fee in Lands of any Tenure, shall be adjudged a Bankrupt, and also subject and without Prejudice to the Estate in such Lands which may be vested in the Assignees of the Bankrupt's Estate, and also subject and without Prejudice to the Rights of all Persons claiming under the said Assignees in respect of such Lands or any of them, such actual Tenant in Tail, or Tenant in Tail so entitled as aforesaid, shall have the same Powers of Disposition under this Act in regard to such Lands as he would have had if he had not become bankrupt.

The Disposition by the Commissioner of the Lands of a bankrupt Tenant in Tail shall, if the Bankrupt be dead, have in

LXV. And be it further enacted, That any Disposition under this Act of Lands of any Tenure by any Commissioner acting in the Execution of any such Fiat as aforesaid under which a Person being, or before obtaining his Certificate becoming, an actual Tenant in Tail of such Lands, or a Tenant in Tail entitled to a Base Fee in such Lands, shall be adjudged a Bankrupt, shall, although the Bankrupt be dead at the Time of the Disposition, be in the following

ing Cases as valid and effectual as the same would have been, and have the same Operation under this Act as the same would have had, if the Bankrupt were alive; (that is to say,) in case at the Time of the Bankrupt's Decease there shall be no Protector of the Settlement by which the Estate Tail of the actual Tenant in Tail, or the Estate Tail converted into a Base Fee, as the Case may be, was created; or in case the Bankrupt had been an actual Tenant in Tail of such Lands, and there shall at the Time of the Disposition be any Issue inheritable to the Estate Tail of the Bankrupt in such Lands, and either no Protector of the Settlement by which the Estate Tail was created, or a Protector of such Settlement who, in the Manner required by this Act, shall consent to the Disposition, or a Protector of such Settlement who shall not consent to the Disposition; or in case the Bankrupt had been a Tenant in Tail entitled to a Base Fee in such Lands, and there shall at the Time of the Disposition be any Issue who if the Base Fee had not been created would have been actual Tenant in Tail of such Lands, and either no Protector of the Settlement by which the Estate Tail converted into a Base Fee was created, or a Protector of such Settlement who, in the Manner required by this Act, shall consent to the Disposition.

the Cases herein mentioned the same Operation as if he were alive.

LXVI. And be it further enacted, That every Disposition which under this Act may be made by any Commissioner acting in the Execution of any such Fiat as aforesaid of Lands held by Copy of Court Roll shall, in every Case in which the Estate of the Bankrupt in such Lands shall not be merely an Estate in Equity, operate in the same Manner as if such Lands had, for the same Estate which shall have been acquired by the Disposition by such Commissioner as aforesaid, been duly surrendered into the Hands of the Lord of the Manor of which they may be Parcel, to the Use of the Person to whom the same shall have been disposed of by such Commissioner; and the Person to whom the Lands shall have been so disposed of by such Commissioner may claim to be admitted Tenant of such Lands, to hold the same by the ancient Rents, Customs, and Services, in the same Manner as if such Lands had been duly surrendered to his Use into the Hands of the Lord of the Manor of which such Lands may be Parcel, and shall, upon being admitted Tenant of such Lands, to hold the same as aforesaid, pay the Fines, Fees, and other Dues which could have been lawfully demanded upon such Admittance if such Lands had, for the same Estate which shall have been acquired by the Disposition by such Commissioner as aforesaid, passed by Surrender into the Hands of the Lord, to the Use of the Person so admitted.

Every Disposition by the Commissioner of Copyhold Lands where the Estate shall not be equitable to have the same Operation as a Surrender; and the Person to whom such Land shall have been disposed of may claim to be admitted on paying the Fines, &c.

LXVII. And be it further enacted, That the Rents and Profits of any Lands of which any Commissioner acting in the Execution of any such Fiat as aforesaid hath Power to make Disposition under this Act shall in the meantime and until such Disposition shall be made, or until it shall be ascertained that such Disposition shall not be required for the Benefit of the Creditors of the Person adjudged bankrupt under the Fiat, be received by the Assignees of the Estate of the Bankrupt, for the Benefit of his Creditors; and the Assignees may proceed by Action of Debt for the Recovery of such Rents and Profits, or may distrain for the same upon the Lands subject to the Payment thereof, and in case any Action of Trespass shall be

Assignees to recover Rents of the Lands of a Bankrupt, of which the Commissioner has Power to make Disposition, and to enforce Covenants, as if entitled to the Reversion. This Clause to apply to all Copyhold

Lands; but as to other Lands, only to such as the Commissioner may dispose of after the Bankrupt's Death.

11 G. 2. c. 19.

brought for taking any such Distress may plead thereto the General Issue, and give this Act or other special Matter in Evidence, and also, in case any such Distress shall be replevied, shall have Power to avow or make cognizance generally in such Manner and Form as any Landlord may now do by virtue of the Statute made in the Eleventh Year of the Reign of His Majesty King *George the Second*, intituled *An Act for the more effectual securing the Payment of Rents and preventing Frauds by Tenants*, or by any other Law or Statute now in force or hereafter to be made for the more effectually recovering of Rent in arrear; and such Assignees, and their Bailiffs, Agents, and Servants, shall also have all such and the same Remedies, Powers, Privileges, and Advantages of pleading, avowing, and making cognizance, and be entitled to the same Costs and Damages, and the same Remedies for the Recovery thereof, as Landlords, their Bailiffs, Agents, and Servants, are now or hereafter may be by Law entitled to have when Rent is in arrear; and such Assignees shall also have the same Power and Authority of enforcing the Observance of all Covenants, Conditions, and Agreements in respect of the Lands of which such Commissioner as aforesaid hath the Power of Disposition under this Act, and in spect of the Rents and Profits thereof, and of Entry into and upon the same Lands for the Nonobservance of any such Covenant, Condition, and Agreement, and of expelling and amoving therefrom the Tenants or other Occupiers thereof, and thereby determining and putting an End to the Estate of the Persons who shall not have observed such Covenants, Conditions, and Agreements, as the Bankrupt would have had in case he had not been adjudged a Bankrupt: Provided always, that this Clause shall apply to all Lands held by Copy of Court Roll, but shall only apply to those Lands of any other Tenure which any Commissioner acting in the Execution of any such Fiat as aforesaid may have Power to dispose of under this Act after the Bankrupt's Decease.

All the Provisions of the Act in regard to Bankrupts shall apply to their Lands in Ireland.

LXVIII. And be it further enacted, That all the Provisions in this Act contained for the Benefit of the Creditors of Persons who under such Fiats as aforesaid shall be adjudged Bankrupts after the Thirty-first Day of *December* One thousand eight hundred and thirty-three, and for the Confirmation in consequence of Bankruptcy of voidable Estates created by them, shall extend and apply to the Lands of any Tenure in *Ireland* of such Persons as fully and effectually as if this Act had throughout extended to Lands of any Tenure in *Ireland*; saving always the Rights of the King's most Excellent Majesty, His Heirs and Successors, to any Reversion or Remainder in the Crown in Lands in *Ireland*.

Deeds relating to the Lands of Bankrupts in Ireland to be inrolled in the Court of Chancery there.

LXIX. Provided always, and be it further enacted, That in all Cases of Bankruptcy, every Deed of Disposition under this Act of Lands in *Ireland* by any Commissioner acting in the Execution of any such Fiat as aforesaid, and also every Deed by which the Protector of a Settlement of Lands in *Ireland* shall consent, shall be inrolled in His Majesty's High Court of Chancery in *Ireland* within Six Calendar Months after the Execution thereof, and not in His Majesty's High Court of Chancery in *England*.

Repeal of the Statute 7 G. 4. c. 45. except as to Proceedings

LXX. And be it further enacted, That after the Thirty-first Day of *December* One thousand eight hundred and thirty-three an Act passed in the Seventh Year of the Reign of His late Majesty King *George*

George the Fourth, intituled An Act for repealing an Act passed in the Thirty-ninth and Fortieth Years of the Reign of His late Majesty King George the Third, intituled 'An Act for the Relief of Persons entituled to Entailed Estates to be purchased with Trust Monies,' and for making further Provision in lieu thereof, shall be and the same is hereby repealed, except as to such Proceedings under the Act hereby repealed as shall have been commenced before the First Day of January One thousand eight hundred and thirty-four, and which may be continued under the Authority and according to the Provisions of the Act hereby repealed: Provided always, that the Act repealed by the said Act of the Seventh Year of the Reign of His late Majesty King George the Fourth shall not be revived.

commenced
before 1st Jan.
1834.

39 & 40 G. 3. c. 56.
not to be revived.

LXXI. And be it further enacted, That Lands to be sold, whether Freehold or Leasehold, or of any other Tenure, where the Money arising from the Sale thereof shall be subject to be invested in the Purchase of Lands to be settled, so that any Person, if the Lands were purchased, would have an Estate Tail therein, and also Money subject to be invested in the Purchase of Lands to be settled, so that any Person, if the Lands were purchased, would have an Estate Tail therein, shall for all the Purposes of this Act be treated as the Lands to be purchased, and be considered subject to the same Estates as the Lands to be purchased would, if purchased, have been actually subject to; and all the previous Clauses in this Act, so far as Circumstances will admit, shall, in the Case of the Lands to be sold as aforesaid being either Freehold or Leasehold, or of any other Tenure, except Copy of Court Roll, apply to such Lands in the same Manner as if the Lands to be purchased with the Money to arise from the Sale thereof were directed to be Freehold, and were actually purchased and settled and shall, in the Case of the Lands to be sold as aforesaid being held by Copy of Court Roll, apply to such Lands in the same Manner as if the Lands to be purchased with the Money to arise from the Sale thereof were directed to be Copyhold, and were actually purchased and settled; and shall, in the Case of Money subject to be invested in the Purchase of Lands to be so settled as aforesaid, apply to such Money in the same Manner as if such Money were directed to be laid out in the Purchase of Freehold Lands, and such Lands were actually purchased and settled; save and except that in every Case where under this Clause a Disposition shall be to be made of Leasehold Lands for Years absolute or determinable, so circumstanced as aforesaid, or of Money so circumstanced as aforesaid, such Leasehold Lands or Money shall, as to the Person in whose Favour or for whose Benefit the Disposition is to be made, be treated as Personal Estate, and, except in case of Bankruptcy, the Assurance by which the Disposition of such Leasehold Lands or Money shall be effected shall be an Assignment by Deed, which shall have no Operation under this Act unless inrolled in His Majesty's High Court of Chancery within Six Calendar Months after the Execution thereof; and in every Case of Bankruptcy the Disposition of such Leasehold Lands or Money shall be made by the Commissioner, and completed by Inrolment in the same Manner as herein-before required in regard to Lands not held by Copy of Court Roll.

The previous
Clauses, with
certain Variations, to apply
to Lands of any
Tenure to be
sold, where the
Purchase Money
is subject to be
invested in the
Purchase of
Lands to be
entailed, and
where Money is
subject to be
invested in like
Manner.

LXXII. And be it further enacted, That so far as regards any Person adjudged a Bankrupt under any such Fiat as aforesaid, the Provisions

Lands of any
Tenure in
Ireland, to be

sold, where the Purchase Money is subject to be invested in the Purchase of Lands to be entailed, and Money under the Control of a Court of Equity in Ireland, subject to be invested in like Manner, to be subject to this Act in Cases of Bankruptcy.

Provisions of the Clause lastly herein-before contained shall, for the Benefit of the Creditors of the Bankrupt, apply to Lands in *Ireland* to be sold, whether Freehold or Leasehold, or of any other Tenure, where the Money arising from the Sale thereof shall be subject to be invested in the Purchase of Lands to be settled so that the Bankrupt, if the Lands were purchased, would have an Estate Tail therein, and also to Money under the Control of any Court of Equity in *Ireland*, or of or to which any Individuals as Trustees may be possessed or entitled in *Ireland*, and which shall be subject to be invested in the Purchase of Lands to be settled so that the Bankrupt, if the Lands were purchased, would have an Estate Tail therein, as fully and effectually as if this Act had throughout extended to *Ireland*: Provided always, that every Deed to be executed by any Commissioner or Protector, in pursuance of this Clause, in regard to Lands in *Ireland* to be so sold as aforesaid, shall be inrolled in His Majesty's High Court of Chancery in *Ireland* within Six Calendar Months after the Execution thereof; but every Deed to be executed by any Commissioner or Protector, in pursuance of this Clause, in regard to Money subject to be invested in the Purchase of Lands to be so settled as aforesaid, shall be inrolled in His Majesty's High Court of Chancery in *England* within Six Calendar Months after the Execution thereof, and not in His Majesty's High Court of Chancery in *Ireland*; saving always the Rights of the King's most Excellent Majesty, His Heirs and Successors, to any Reversion or Remainder in the Crown in Lands in *Ireland* to be sold.

As to Deeds being acknowledged before Inrolment.

LXXIII. And be it further enacted, That any Rule or Practice requiring Deeds to be acknowledged before Inrolment shall not apply to any Deed by this Act required to be inrolled in His Majesty's High Court of Chancery in *England* or *Ireland*.

Every Deed to be inrolled by which Lands or Money shall be disposed of under this Act, to take effect as if Inrolment not required.

LXXIV. And be it further enacted, That every Deed required to be inrolled in His Majesty's High Court of Chancery in *England* or *Ireland*, by which Lands, or Money subject to be invested in the Purchase of Lands, shall be disposed of under this Act, shall, when inrolled as required by this Act, operate and take effect in the same Manner as it would have done if the Inrolment thereof had not been required, except that every such Deed shall be void against any Person claiming the Lands or Money thereby disposed of, or any Part thereof, for valuable Consideration, under any subsequent Deed duly inrolled under this Act, if such subsequent Deed shall be first inrolled.

The Court of Chancery to regulate the Fees to be paid for the Inrolment of Deeds, &c.

LXXV. And be it further enacted, That it shall be lawful for His Majesty's High Court of Chancery in *England*, as to Deeds to be inrolled in *England* under this Act, and for His Majesty's High Court of Chancery in *Ireland*, as to Deeds to be inrolled in *Ireland* under this Act, from Time to Time to make such Orders as the Court shall think fit touching the Amount of the Fees and Charges to be paid for the Inrolment of such Deeds, and to be paid for Searches for such Deeds in the Office of Inrolments, and to be paid for Copies of the Inrolments of Deeds under this Act, where such Copies are examined with the Inrolments, and signed by the proper Officer having the Custody of such Inrolments.

The Court of Common Pleas to regulate the

LXXVI. And be it further enacted, That it shall be lawful for His Majesty's Court of Common Pleas at *Westminster* from Time to Time

Time to make such Orders as the Court shall think fit touching the Amount of the Fees and Charges to be paid for the Entries of Deeds by this Act required to be entered on the Court Rolls of Manors, and for the Indorsements thereon, and for taking the Consents of the Protectors of Settlements of Lands held by Copy of Court Roll, where such Consents shall not be given by Deed, and for taking Surrenders by which Dispositions shall be made under this Act by Tenants in Tail of Lands held by Copy of Court Roll, and for Entries of such Surrenders or the Memorandums thereof on the Court Rolls.

Fees for Entries on Court Rolls and Indorsements on Deeds and for taking Consents, &c.

LXXVII. And be it further enacted, That after the Thirty-first Day of *December* One thousand eight hundred and thirty-three it shall be lawful for every married Woman, in every Case except that of being Tenant in Tail, for which Provision is already made by this Act, by Deed to dispose of Lands of any Tenure, and Money subject to be invested in the Purchase of Lands, and also to dispose of, release, surrender, or extinguish any Estate which she alone, or she and her Husband in her Right, may have in any Lands of any Tenure, or in any such Money as aforesaid, and also to release or extinguish any Power which may be vested in or limited or reserved to her in regard to any Lands of any Tenure, or any such Money as aforesaid, or in regard to any Estate in any Lands of any Tenure, or in any such Money as aforesaid, as fully and effectually as she could do if she were a Feme Sole; save and except that no such Disposition, Release, Surrender, or Extinguishment shall be valid and effectual unless the Husband concur in the Deed by which the same shall be effected, nor unless the Deed be acknowledged by her as herein-after directed: Provided always, that this Act shall not extend to Lands held by Copy of Court Roll of or to which a married Woman, or she and her Husband in her Right, may be seised or entitled for an Estate at Law, in any Case in which any of the Objects to be effected by this Clause could before the passing of this Act have been effected by her, in concurrence with her Husband, by Surrender into the Hands of the Lord of the Manor of which the Lands may be Parcel.

A married Woman, with her Husband's Concurrence, to dispose of Lands and Money subject to be invested in the Purchase of Lands, and of any Estate therein; and to release and extinguish Powers, as a Feme Sole.

Not to extend to Copyholds in certain Cases.

LXXVIII. Provided always, and be it further enacted, That the Powers of Disposition given to a married Woman by this Act shall not interfere with any Power which, independently of this Act, may be vested in or limited or reserved to her, so as to prevent her from exercising such Power in any Case, except so far as by any Disposition made by her under this Act she may be prevented from so doing in consequence of such Power having been suspended or extinguished by such Disposition.

The Powers of Disposition given to a married Woman by this Act not to interfere with any other Powers.

LXXIX. And be it further enacted, That every Deed to be executed by a married Woman for any of the Purposes of this Act, except such as may be executed by her in the Character of Protector for the sole Purpose of giving her Consent to the Disposition of a Tenant in Tail, shall, upon her executing the same, or afterwards, be produced and acknowledged by her as her Act and Deed before a Judge of one of the superior Courts at *Westminster*, or a Master in Chancery, or before Two of the Perpetual Commissioners, or Two Special Commissioners, to be respectively appointed as herein-after provided.

Every Deed by a married Woman, not executed by her as Protector, to be acknowledged by her before a Judge, &c.

LXXX. And

The Judge, &c. before receiving such Acknowledgment, to examine her apart from her Husband.

LXXX. And be it further enacted, That such Judge, Master in Chancery, or Commissioners as aforesaid, before he or they shall receive the Acknowledgment by any married Woman of any Deed by which any Disposition, Release, Surrender, or Extinguishment shall be made by her under this Act, shall examine her, apart from her Husband, touching her Knowledge of such Deed, and shall ascertain whether she freely and voluntarily consents to such Deed, and unless she freely and voluntarily consent to such Deed shall not permit her to acknowledge the same; and in such Case such Deed shall, so far as relates to the Execution thereof by such married Woman, be void.

As to the Appointment of Perpetual Commissioners for each County or Place, and the making out and keeping of the Lists of the Commissioners and the Delivery of Copies.

LXXXI. And be it further enacted, That for the Purpose of providing convenient Means of taking Acknowledgments by married Women of the Deeds to be executed by them as aforesaid, the Lord Chief Justice of the Court of Common Pleas at *Westminster* shall from Time to Time appoint such proper Persons as he shall think fit, for every County, Riding, Division, Soke, or Place for which there may be a Clerk of the Peace, to be Perpetual Commissioners for taking such Acknowledgments, and such Commissioners shall be removable by and at the Pleasure of the said Lord Chief Justice; and Lists of the Names of such Commissioners for the Time being, with the Names of their Places of Residence, and the Counties, Ridings, Divisions, Sokes, or Places for which they shall be respectively appointed to act, shall from Time to Time be made out and be kept by the Officer of the Court of Common Pleas at *Westminster* with whom the Certificates of the Acknowledgments by married Women are to be lodged as herein-after mentioned; and such Officer shall from Time to Time transmit, without Fee or Reward, to the Clerk of the Peace for each County, Riding, Division, Soke, or Place, or his Deputy, a Copy of the List to be so from Time to Time made out for that County, Riding, Division, Soke, or Place, and such Officer shall deliver a Copy, signed by him, of the List for the Time being for any County, Riding, Division, Soke, or Place, to any Person applying for the same; and the Clerk of the Peace for each County, Riding, Division, Soke, or Place, or his Deputy, shall deliver a Copy, signed by him, of the List last transmitted to him as aforesaid to any Person applying for the same.

Power of Perpetual Commissioners not confined to any particular Place.

LXXXII. Provided always, and be it further enacted, That any Person appointed Commissioner for any particular County, Riding, Division, Soke, or Place, shall be competent to take the Acknowledgment of any married Woman wheresoever she may reside, and wheresoever the Lands or Money in respect of which the Acknowledgment is to be taken may be.

If, from being beyond Seas, &c. a married Woman be prevented from making the Acknowledgment, Special Commissioners to be appointed.

LXXXIII. And be it further enacted, That in those Cases where by reason of Residence beyond Seas, or Ill-health, or any other sufficient Cause, any married Woman shall be prevented from making the Acknowledgment required by this Act before a Judge or a Master in Chancery, or any of the Perpetual Commissioners to be appointed as aforesaid, it shall be lawful for the Court of Common Pleas at *Westminster*, or any Judge of that Court, to issue a Commission specially appointing any Persons therein named to be Commissioners to take the Acknowledgment by any married Woman

Woman to be therein named of any such Deed as aforesaid: Provided always, that every such Commission shall be made returnable within such Time, to be therein expressed, as the said Court or Judge shall think fit.

LXXXIV. And be it further enacted, That when a married Woman shall acknowledge any such Deed as aforesaid, the Judge, Master in Chancery, or Commissioners taking such Acknowledgment shall sign a Memorandum, to be indorsed on or written at the Foot or in the Margin of such Deed, which Memorandum, subject to any Alteration which may from Time to Time be directed by the Court of Common Pleas, shall be to the following Effect; *videlicet*,
 ‘ THIS Deed, marked [here add some Letter or other Mark, for the Purpose of Identification,] was this Day produced before me [or us] and acknowledged by therein named to be her Act and Deed; previous to which Acknowledgment the said was examined by me [or us], separately and apart from her Husband, touching her Knowledge of the Contents of the said Deed and her Consent thereto, and declared the same to be freely and voluntarily executed by her.’

When a married Woman shall acknowledge a Deed, the Person taking the Acknowledgment to sign a Memorandum to the Effect here mentioned,

And the same Judge, Master in Chancery, or Commissioners shall also sign a Certificate of the taking of such Acknowledgment, to be written or engrossed on a separate Piece of Parchment; which Certificate, subject to any Alteration which may from Time to Time be directed by the Court of Common Pleas, shall be to the following Effect; *videlicet*,

and also sign a Certificate of the taking of such Acknowledgment to the Effect here mentioned.

‘ THESE are to certify, That on the Day of
 ‘ in the Year One thousand eight hundred and
 ‘ before me the undersigned Sir *Nicholas Conyngham Tindal*, Lord
 ‘ Chief Justice of the Court of Common Pleas at *Westminster*, [or
 ‘ before me Sir *James Parke* Knight, one of the Justices of the
 ‘ Court of King’s Bench at *Westminster*; or before me the under-
 ‘ signed *James William Farrer*, one of the Masters in Ordinary of
 ‘ the Court of Chancery; or before us *A. B.* and
 ‘ *C. D.* Two of the Perpetual Commissioners
 ‘ appointed for the for taking the Acknowledgments
 ‘ of Deeds by married Women, pursuant to an Act passed in the
 ‘ Year of the Reign of His Majesty King *William* the
 ‘ Fourth, intituled *An Act [insert the Title of this Act]*; or before us
 ‘ the undersigned *A. B.* and *C. D.*
 ‘ Two of the Commissioners specially appointed pursuant to an Act
 ‘ passed in the Year of the Reign of His Majesty King
 ‘ *William* the Fourth, intituled *An Act, [insert the Title of this Act,]*
 ‘ for taking the Acknowledgment of any Deed by the
 ‘ Wife of] appeared personally the
 ‘ Wife of and produced a certain Indenture, marked
 ‘ [here add the Mark], bearing Date the Day of
 ‘ and made between [insert the Names of the Parties], and acknow-
 ‘ ledged the same to be her Act and Deed: And I [or we] do
 ‘ hereby certify, that the said was, at the Time of
 ‘ her acknowledging the said Deed, of full Age and competent
 ‘ Understanding, and that she was examined by me [or us], apart
 ‘ from her Husband, touching her Knowledge of the Contents of
 ‘ the said Deed, and that she freely and voluntarily consented to
 ‘ the same.’

LXXXV. And

Certificate, with Affidavit verifying the same, to be lodged with some Officer of the Court of Common Pleas, who shall cause the same to be filed of Record in the Court.

LXXXV. And be it further enacted, That every such Certificate as aforesaid of the taking of an Acknowledgment by a married Woman of any such Deed as aforesaid, together with an Affidavit by some Person verifying the same, and the Signature thereof by the Party by whom the same shall purport to be signed, shall be lodged with some Officer of the Court of Common Pleas at *Westminster*, to be appointed as herein-after mentioned; and such Officer shall examine the Certificate, and see that it is duly signed, either by some Judge or Master in Chancery, or by Two Commissioners appointed pursuant to this Act, and duly verified by Affidavit as aforesaid, and shall also see that it contains such Statement of Particulars as to the Consent of the married Woman as shall from Time to Time be required in that Behalf; and if all the Requisites in this Act in regard to the Certificate shall have been complied with, then such Officer shall cause the said Certificate and the Affidavit to be filed of Record in the said Court of Common Pleas.

On filing Certificate, the Deed, by relation, to take effect from Time of Acknowledgment.

LXXXVI. And be it further enacted, That when the Certificate of the Acknowledgment of a Deed by a married Woman shall be so filed of Record as aforesaid, the Deed so acknowledged shall, so far as regards the Disposition, Release, Surrender, or Extinguishment thereby made by any married Woman whose Acknowledgment shall be so certified concerning any Lands or Money comprised in such Deed, take effect from the Time of its being acknowledged, and the subsequent filing of such Certificate as aforesaid shall have relation to such Acknowledgment.

The Officer with whom the Certificates are lodged to make an Index of the same.

LXXXVII. And be it further enacted, That the Officer of the Court of Common Pleas with whom such Certificates as aforesaid shall be lodged shall make and keep an Index of the same, and such Index shall contain the Names of the married Women and their Husbands alphabetically arranged, and the Dates of such Certificates and of the Deeds to which the same shall respectively relate, and such other Particulars as shall be found convenient; and every such Certificate shall be entered in the Index as soon as may be after such Certificate shall have been filed.

Officer to deliver a Copy of Certificate filed, which shall be Evidence.

LXXXVIII. And be it further enacted, That after the filing of any such Certificate as aforesaid the Officer with whom the Certificate shall be lodged shall at any Time deliver a Copy, signed by him, of any such Certificate to any Person applying for such Copy; and every such Copy shall be received as Evidence of the Acknowledgment of the Deed to which such Certificate shall refer.

Chief Justice of Common Pleas to appoint the Officer with whom the Certificates shall be lodged; and the Court to make Orders touching the Examination, Memorandums, Certificates, Affidavits, &c.

LXXXIX. And be it further enacted, That the Lord Chief Justice of the Court of Common Pleas at *Westminster* shall from Time to Time appoint the Person who shall be the Officer with whom such Certificates as aforesaid shall for the Time being be lodged, and may remove him at pleasure; and the Court of Common Pleas at *Westminster* shall also from Time to Time make such Orders and Regulations as the Court shall think fit touching the Mode of Examination to be pursued by the Commissioners to be appointed under this Act, and touching the particular Matters to be mentioned in such Memorandums and Certificates as aforesaid, and the Affidavits verifying the Certificates, and the Time within which any of the aforesaid Proceedings shall take place, and touching the Amount of the Fees or Charges to be paid for the Copies to be delivered by the Clerks of the Peace or their Deputies, or by the Officer of the said

said Court, as herein-before directed, and also of the Fees or Charges to be paid for taking Acknowledgments of Deeds and for examining married Women, and for the Proceedings, Matters, and Things required by this Act to be had, done, and executed for completing and giving effect to such Acknowledgments and Examinations.

XC. And be it further enacted, That in every Case in which a Husband and Wife shall, either in or out of Court, surrender into the Hands of the Lord of a Manor any Lands held by Copy of Court Roll, Parcel of the Manor, and in which she alone, or she and her Husband in her Right, may have an equitable Estate, the Wife shall, upon such Surrender being made, be separately examined by the Person taking the Surrender in the same Manner as she would have been if the Estate to which she alone, or she and her Husband in her Right, may be entitled in such Lands were an Estate at Law instead of a mere Estate in Equity; and every such Surrender, when such Examination shall be taken, shall be binding on the married Woman and all Persons claiming under her; and all Surrenders heretofore made of Lands similarly circumstanced, where the Wife shall have been separately examined by the Person taking the Surrender, are hereby declared to be good and valid.

A married Woman to be separately examined on the Surrender of an equitable Estate in Copyholds as if such Estate were legal.

XCI. Provided always, and be it further enacted, That if a Husband shall in consequence of being a Lunatic, Idiot, or of unsound Mind, and whether he shall have been found such by Inquisition or not, or shall from any other Cause be incapable of executing a Deed, or of making a Surrender of Lands held by Copy of Court Roll, or if his Residence shall not be known, or he shall be in Prison, or shall be living apart from his Wife, either by mutual Consent or by Sentence of Divorce, or in consequence of his being transported beyond the Seas, or from any other Cause whatsoever, it shall be lawful for the Court of Common Pleas at Westminster, by an Order to be made in a summary Way upon the Application of the Wife, and upon such Evidence as to the said Court shall seem meet, to dispense with the Concurrence of the Husband in any Case in which his Concurrence is required by this Act or otherwise; and all Acts, Deeds, or Surrenders to be done, executed, or made by the Wife in pursuance of such Order, in regard to Lands of any Tenure, or in regard to Money subject to be invested in the Purchase of Lands, shall be done, executed, or made by her in the same Manner as if she were a Feme Sole, and when done, executed, or made by her shall (but without Prejudice to the Rights of the Husband as then existing independently of this Act) be as good and valid as they would have been if the Husband had concurred: Provided always, that this Clause shall not extend to the Case of a married Woman where under this Act the Lord High Chancellor, Lord Keeper or Lords Commissioners for the Custody of the Great Seal, or other the Person or Persons intrusted with the Care and Commitment of the Custody of the Persons and Estates of Persons found lunatic, idiot, and of unsound Mind, or His Majesty's High Court of Chancery, shall be the Protector of a Settlement in lieu of her Husband.

Court of Common Pleas in the Case of a Husband being lunatic, &c. may dispense with his Concurrence, except where the Lord Chancellor or other Persons intrusted with Lunatics, or the Court of Chancery, shall be the Protector of a Settlement in lieu of the Husband.

XCII. And be it further enacted, That this Act shall not extend to Ireland, except where the same is expressly mentioned.

Ireland.

XCIII. And be it further enacted, That this Act, or any Part thereof, may be altered, varied, or repealed by any Act or Acts to be passed in the present Session of Parliament.

Act may be altered this Session.

CAP. LXXV.

An Act to continue until the End of the next Session of Parliament Two Acts for the Prevention, as far as may be possible, of the Disease called the Cholera, or Spasmodic or *Indian Cholera*, in *England and Scotland*.

[28th August 1833.]

2 & 3 W. 4. c. 10. ' **W**HEREAS an Act was passed in the last Session of Parliament, intituled *An Act for the Prevention, as far as may be possible, of the Disease called the Cholera, or Spasmodic or Indian Cholera*, in *England*; and another Act was passed in the same Session, intituled *An Act for the Prevention, as far as may be possible, of the Disease called the Cholera, or Spasmodic or Indian Cholera*, in *Scotland*; and another Act passed in the same Session, intituled *An Act for altering and amending an Act passed in the present Session of Parliament, for the Prevention, as far as may be possible, of the Disease called the Cholera, or Spasmodic or Indian Cholera*, in *Scotland*: And whereas the said Acts will expire at the End of the present Session, and it is expedient to continue the same: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Acts shall be and the same are hereby continued until the End of the next Session of Parliament.

Recited Acts continued.

CAP. LXXVI.

An Act to alter and amend the Laws for the Election of the Magistrates and Councils of the Royal Burghs in *Scotland*.

[28th August 1833.]

' **W**HEREAS the Right of electing the Common Councils and Magistrates of the Royal Burghs of *Scotland* appears to have been originally in certain large Classes of the Inhabitants of such Burghs, by the Abrogation of which ancient and wholesome Usage much Loss, Inconvenience, and Discontent have been occasioned, and still exist; for Redress and Prevention whereof it is expedient that an immediate Remedy be applied, and that the close System of Election now practised in these Burghs should be forthwith abolished, and their ancient free Constitutions substantially restored: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Period when this Act shall come into operation the Right of electing the Town Councils in all such Burghs respectively (except in those contained in Schedule (F.) to this Act annexed) shall be in and belong to all such Persons, and to such only, (except as herein-after excepted,) as are or shall be qualified, as Owners or Occupants of Premises within the Royalty, whether original or extended, of any such Burgh, to vote in the Election of a Member of Parliament for such Burgh by virtue of an Act passed in the Second and Third Year of the Reign of His Majesty King *William*

Electors of Council how to be qualified.

the Fourth, intituled *An Act to amend the Representation of the People in Scotland*, and as are duly registered as such Voters in the Registers by the said recited Act appointed to be kept, and also in all such Persons who are possessed of the Qualification described in the said recited Act, in respect of the Property or Occupancy of any House or other Subject therein described of the Value thereby required, within the Royalty of any Royal Burgh not now entitled to send Members to Parliament: Provided always, that all such Electors who may be qualified as herein-before provided shall have resided for Six Calendar Months next previous to the last Day of *June* in this and all future Years within the Royalty of such Burgh, or within Seven Statute Miles of some Part thereof: Provided also, that no Person shall be entitled to vote who has been in the Receipt of parochial Relief, or who has been a Pensioner of any Corporation, within Twelve Months of any such annual Election, or for any Burgh of which he may have been Town Clerk at the Time of such Election, or at making up the List or Roll of Electors with a view to such Election.

II. And be it enacted, That every Person claiming to be entitled to vote in the Election of the Council of any Royal Burgh not now entitled to send Members to Parliament shall, on or before the Twentieth Day of *September* in the present and the Twenty-first Day of *July* in any succeeding Year, give in his Claim, subscribed by himself or his Agent, to the Town Clerk of such Burgh, such Claim being in the Form, as nearly as may be, of the first Part of Schedule (A.) to this Act annexed, together with any written Title or other Evidence he may choose to produce along with such Claim; and such Town Clerk, immediately on receiving such Claim, shall mark upon it the Date when it was delivered to him, by filling up, as nearly as may be, the Form of the second Part of the said Schedule (A.) to this Act annexed, and within Four Days after the last Day for receiving such Claims, and after consulting with the Provost or Chief Magistrate of such Burgh, shall give or cause to be given Intimation of all such Claims by affixing on the Church Doors of the several Parishes within the Royalty of such Burgh, Fourteen Days at least before the Time when such Claims are intended to be taken into consideration, a written or printed List of all such Claimants, together with a Notice specifying the Place where and the Day and the Hour at which such Claims are to be considered; and the said Notice shall also bear that any Objection to such Claims will be at the same Time taken into consideration, provided such Objections shall be lodged with the Town Clerk and intimated to the Party objected to, by either delivering a Copy of the Objection to him personally, or leaving the same at his Dwelling House, or transmitting it to him by Post, Seven Days previous to the Day appointed for considering the same and deciding upon such Claims (all such Objections being signed by the Party objecting or his Agent, and being drawn up, as nearly as may be, in the Form of the Schedule (B.) to this Act annexed); and the Persons claiming and the Persons objecting to such Claim shall have Access to see such Claims and Objections in the Town Clerk's Office at all seasonable Hours, without Payment of any Fee for such Inspection, and to obtain Extracts therefrom, paying for any Copy or Extract of the same at the Rate of Sixpence for every Seventy-two Words:

Electors in
Burghs having
no Parliamen-
tary Registers.

Provided always, that every such Chief Magistrate shall be obliged, within Four Days after the said Twenty-first Day of *July*, to fix on and communicate to the Town Clerk a Day for taking such Claims and Objections into consideration, which Day shall not be less than Twenty or more than Twenty-five Days after the said Twentieth Day of *September* in the present and the said Twenty-first Day of *July* in all future Years.

Assessors to be
appointed.

III. And be it enacted, That the Provost or Chief Magistrate, or, in case of his Absence or Disability, the Senior Magistrate capable of attending in each such Burgh, shall, if required by any Three or more Persons claiming or objecting as aforesaid, previous to the Day appointed for the Consideration of such Claims and Objections, make choice of and appoint a Person of the Profession of the Law to be an Assessor or Assistant to him in the Decision thereof, such Assessor being always an Advocate or a Writer to the Signet, or a Solicitor of Supreme Courts, or a Procurator in the inferior Courts, of not less than Three Years standing respectively; and such Provost or Chief or Senior Magistrate and Assessor shall, at the Hour appointed, proceed to consider the Claims and Objections lodged, and shall hear the Parties or their Agents thereupon, and receive all competent Evidence which either Party may produce in support of his Claim or Objection respectively; but no written Pleadings shall be admitted, nor any Record kept of the Proceedings, except that the Magistrate or Assessor shall make a Note of the Witnesses who may be examined, and authenticate by his Signature any Document or written Evidence which may be produced; and no other Witnesses shall be examined, and no other Documents produced, in any Court of Review, than those so noted and authenticated; and, where satisfied that the Claim is good, the said Magistrate shall write thereon the Word "Admit," and sign his Name thereto, and, where satisfied that the Claim is bad, he shall write thereon the Word "Reject," and sign his Name thereto; and, where the Claim shall be sustained, the Claimant's Name shall be enrolled or entered by the Town Clerk of such Burgh in the List or Roll of Electors to be kept for such Burgh in manner herein-after directed.

Lists of Electors
to be kept.

IV. And be it enacted, That the respective Town Clerks of each Royal Burgh shall, on or before the Twentieth Day of *October* in the present and on or before the Sixteenth Day of *September* in all future Years, make up and complete a List or Roll of Persons entitled to vote in the Election of the Common Council of such Burgh in manner following; *videlicet*, the Town Clerk of each Burgh which, in virtue of the said recited Act, sends either severally, or in combination with any other Burgh or Burghs, a Member or Members to Parliament, shall make up and complete such List by transferring from the Parliamentary Register for such Burgh to such List or Roll the Names of all the Voters contained in such Register, entitled to vote in the Election of a Member of Parliament as are so registered in respect of Properties situated within the Royalty, whether original or extended, of such Burgh, without requiring any Claim, or admitting any Objection against the Persons so registered; and the respective Town Clerks of such of the Royal Burghs as do not now send or contribute to send a Member to Parliament shall in like Manner make up a complete List or Roll of all the Persons, qualified in manner aforesaid, who shall have been admitted as Elec-

tors by the Chief or Senior Magistrates of such Burghs respectively in manner herein-before directed.

V. And be it enacted, That each Town Clerk shall, in every succeeding Year, keep his List or Roll of Electors in the Town Clerk's Office, or other Place appointed for keeping the Records of such Burgh, accessible, without Fees, at all seasonable Hours, from the First to the Tenth Day of *August*; and within Five Days after the last of these Days any Person intending to object to the Continuance of any Name on the said List or Roll in any Burgh not contained in the said recited Act shall be bound to give in his Objections to such Town Clerk, in the same Way and Manner, and to be disposed of by such Town Clerk and Provost or Chief or Senior Magistrate and Assessor in all respects, as Objections against original Claims are herein before and after directed to be disposed of; and each Town Clerk in such Burghs shall, on or before the Tenth Day of *September* in each such Year, proceed to correct and complete such List or Roll of Electors by removing therefrom all the Names to which such Objections shall have been sustained, and also the Names of any Persons who may be known to have died since such List or Roll was last completed, and shall also insert in such List or Roll the Names of any Persons who shall respectively have been admitted as Electors by the Provost or Chief or Senior Magistrate of such Burghs respectively, in manner herein-before directed; and each Town Clerk in the Burghs contained in the said recited Act shall in like Manner correct and complete his List of Electors, on or before the Sixteenth Day of *September*, by removing therefrom the Names of such as may have died, and adding the Names of those who may have been inserted in the Register appointed by the said recited Act since it was made up in the previous Year, in respect of Premises situate within the Royalty of any such Burgh; and all Persons interested shall be entitled to Extracts from the said Lists, paying the Town Clerk for every Extract at the Rate of Sixpence for every Seventy-two Words contained therein.

Lists to be completed annually.

Extracts may be obtained.

VI. And be it enacted, That if either Party shall be dissatisfied with the Decision of the Provost or Chief Magistrate and Assessor, admitting or rejecting any Claimant for the Right of electing Councillors, in any Burgh not contained in the said recited Act, it shall be competent to such Party, within Two Days of the Date of the Decision, but not thereafter, to appeal to the Court of Review appointed by the said recited Act for deciding upon Appeals as to the Registration of Voters for Members of Parliament for the District within which such Burgh may be situate, the Appellant always giving Notice, within the Time above specified, to the Town Clerk of such Burgh and to the opposite Party, of such Appeal, the Notice to the said Party being either delivered personally, left at his Dwelling Place, or transmitted through the Post Office, and producing to the Court of Appeal Evidence of such Notice before such Appeal shall be heard; and it shall be competent for such Court of Appeal, if it shall affirm the Judgment appealed from, to find Expences due by the Appellant, and to decern for the same; and upon Production of the Judgment of such Court, or an Extract thereof, to the Town Clerk, Keeper of the List or Roll of Electors of such Burgh, such Town Clerk shall forthwith, where necessary, alter and correct such List or Roll in accordance with the Judgment

Appeal to the Court of Review under recited Act.

of such Court; and the Sheriffs acting in such Courts of Appeal shall always proceed to the Consideration of Appeals under this Act immediately after they have disposed of all the Appeals under the said recited Act, and shall be entitled to add the Periods of Time during which they may be exclusively occupied with the said Appeals under this Act to the Periods occupied with the said other Appeals, and to make the same Charges for the Time so occupied in their Accounts in Exchequer as is by the said recited Act provided as to the said other Appeals.

Certain Burghs
to be divided
into Wards and
Districts by
Commissioners.

VII. And be it enacted, That the several Burghs contained in the Schedule marked (C.) to this Act annexed shall be divided into Wards or Districts, which, together with the Number of Councillors to be chosen by each such Ward or District, shall be fixed and ascertained by the Commissioners named and appointed by His Majesty to inquire into and report upon the Condition of the several Burghs and Towns of *Scotland* by virtue of a Commission dated on the Fifteenth Day of *July* in the present Year; and such Commissioners shall have regard to its being the Purport and Meaning of this Act that the Number of Wards shall be such that each Ward shall, at the first Election to be made under this Act, choose, as nearly as may be, the Number of Six Councillors, and at the subsequent annual Elections in each succeeding Year the Number of Two Councillors; and the said Commissioners shall, upon such Division being made and completed, report the same to His Majesty's Privy Council, who shall cause such Report to be published by Royal Proclamation in the Gazette; and the Number and Limits of such Districts, and the Number of Councillors to be elected by each such District, being so fixed, reported, and published, shall be held and taken to be a Part of this Act, in the same Manner and to the same Effect as if the same were particularly set forth and enacted herein.

Councils to be
chosen.

VIII. And be it enacted, That (with and under the Exceptions herein-after provided) upon the First *Tuesday* of *November* next the Electors qualified and entered in the List or Roll made up as aforesaid shall, in each of the said Royal Burghs not contained in Schedule (F.) to this Act annexed, choose from among such of their own Number as either reside within the Boundaries assigned to such Burgh by the said recited Act, or as may carry on Business or reside within the Royalty thereof, such a Number of Councillors as by the Set or Usage of each Burgh respectively at present constitutes the Common Council of such Burgh, or where such Number admits of Variation, then the smallest Number which may by the existing Set and Usage constitute a full Council in any such Burgh, in manner following; that is to say, in all such Burghs as are contained in the said Schedule (C.), and divided into Wards or Districts as aforesaid, the qualified Electors of each District whose Names shall be in the said List or Roll of such Electors shall, at some Place or Places to be appointed for each such Ward or District, of which Intimation shall be made by Notice affixed on the Church Doors of the several Parishes of such Burgh Ten Days at least previous to such Election, proceed to elect, from and among the Persons contained in the List or Roll of the whole Electors for such Burgh, as many Councillors for such Burgh, being either resident or personally carrying on Business as herein-before provided, as shall, by the Report of the Commissioners aforesaid, and the Proclamation thereof aforesaid,

have been fixed and ascertained as the Number of Councillors to be elected in each such Ward, by open Poll, to be taken in the Presence of the Provost or Chief or Senior Magistrate of such Burgh, or of a legal Substitute or Substitutes to be appointed by him to officiate and preside at the Polling Place or Polling Places in each such Ward or District, from among the Persons of the Law described and qualified as aforesaid in relation to the Assessor to be appointed by any Chief Magistrate, to judge of the Claims of Enrolment to be made as aforesaid; and the Town Clerks of such Burghs, or the Persons who may be appointed by the Provost or Chief Magistrate thereof to officiate as Poll Clerks in the several Wards thereof, which Persons such Provost or Chief Magistrate is hereby authorized to appoint, shall each have with him a certified Copy of that Part of the foresaid List or Roll which contains the Names of the Voters qualified in respect of Property situate in each such District, according to which the Votes shall be taken; and it shall not be competent at such Poll to inquire into any other Facts but the Identity of the Party tendering a Vote and the Person mentioned in the List or Roll, his still holding the Qualification there mentioned, and his not having previously voted at the same Election; all which Facts it shall only be competent to prove by the Oath of the Party so tendering his Vote, if required by any other Voter on the List or Roll; and no other Oath shall be put at such Election except only an Oath against Bribery, which, if required by any Voter on the Roll, shall also be put by the Magistrate or Substitute at each Polling Place; which Two Oaths shall be put in the Form of Schedules (D.) and (E.) to this Act annexed; and each Poll Clerk shall enter each Vote for each Person proposed in a Poll Book, and the Provost or Chief Magistrate or Substitute presiding at such Election, and the Clerk or Person taking the Poll, shall subscribe their Names to each Page of such Book before any Entry shall be made in the succeeding Page.

IX. And be it enacted, That no Poll by this Act authorized shall be kept open for more than One Day, and that only between the Hours of Eight in the Morning and Four in the Afternoon, it being competent to the Town Clerk to appoint as many Polling Places in each Ward, and as many Booths or Divisions at each Polling Place, as may be necessary for completing the said Elections within the said Period.

Poll not to be open more than One Day.

X. And be it enacted, That at all such Elections of Councillors for the Burghs contained in the said Schedule (C.) the Poll Books for the several Wards or Districts of the said Burghs shall, at the Close of the Poll, be sealed up by the Persons who shall have presided at the Elections of the several Wards and taken the Polls thereat, and shall be transmitted to the Provost or Chief or Senior Magistrate, who, on the next lawful Day after the Receipt of the same, between the Hours of Twelve and Two, and within the Town House or other public Building of such Burgh, shall openly break the Seals, and with the Assistance of the Town Clerk, and such other Persons as he may think fit to employ, shall cast up the Votes given, and shall declare upon whom the Election has fallen by the Majority of Votes (making a Double Return in any Case where the Votes shall be equal), and shall forthwith give, or cause to

Poll Books to be summed up by Provost, who shall declare the Result.

be given, Notice in Writing to the several Persons elected of such their Election, and require them severally to appear in the Town Hall, or other public Room aforesaid, on the Second lawful Day after such Election, when they shall severally declare whether they accept or decline accepting the Office of Councillor; and if any such Person shall be found to have been elected by more than One of the said Wards or Districts, he shall thereupon declare for which Ward he intends to serve; and wherever this shall occur, or where there shall be a Double Return for any Ward, or where any Person elected shall decline accepting, then and in all such Cases the presiding Magistrate shall immediately appoint a new Election of a Councillor or Councillors in place of him or them so chosen elsewhere and so declining, at the Distance of not more than Four nor less than Two Days, and affix Notices of the Day so appointed on the Church Doors of the Burgh; and such Election shall be proceeded in in all respects in the same Manner in which the first Election in the said Wards or Districts, and the taking the Poll, casting up the Votes, and declaring the Result, is herein-before directed to proceed, until the Council of such Burgh shall be completed.

Election in
Burghs not
contained in
Schedule (C.)
or (F.)

XI. And be it enacted, That upon the said *First Tuesday of November* next the qualified Electors of all the said Royal Burghs, not contained in the said Schedules (C.) or (F.), shall assemble in the Town Hall or other public Room of such Burgh, and choose from among their own Number such and the like Number of Councillors, being resident or personally carrying on Business, as herein-before provided, as by the Set or Usage of such Burghs respectively at present constitutes the Common Council of such Burgh, or, where this is variable, the smallest Number constituting a full Council, and shall declare their Votes by a List containing the Names of the Persons for whom each Elector respectively intends to vote, which several Lists shall be signed by each such Elector respectively, and shall be openly given in by each Elector to the Town Clerk of such Burgh on the Day of Election; and such Town Clerk, together with the Provost or Chief or Senior attending Magistrate of the Burgh, who shall preside at such Election, no other Inquiry being permitted, or other Oath allowed to be tendered than as herein-after provided as to the Burghs in Schedule (C.), shall publicly cast up the Number of Votes, and shall declare upon whom the Election has fallen by the Majority of Votes; and the Provost or Chief or Senior Magistrate shall forthwith give or cause to be given Notice in Writing to the several Councillors elected of such their Election, and call upon them severally to appear in the Town Hall or other public Room aforesaid on the Second lawful Day after such Election, when they shall severally declare whether they accept or decline accepting the Office of Councillor; and if any such Person so elected shall decline to accept, or in case there shall be an Equality of Votes in favour of Two or more Persons the whole of whom cannot be received as Councillors, a new Election shall immediately thereafter take place for the vacant Place or Places of the Councillor or Councillors so declining to accept, or elected by equal Numbers, to be intimated as herein-before provided as to the Burghs in Schedule (C.), and to proceed in the same Manner in all

all respects in which the Election for Councillors is herein-before directed to proceed, until the Council of such Burgh shall be completed.

XII. And be it enacted, That nothing in this Act contained shall be held to affect or apply to the several Burghs contained in Schedule (F.) to this Act annexed; but the Election of Councillors and Magistrates in all the Burghs contained in the said Schedule (F.) shall proceed and be conducted in the Way and Manner hitherto practised in such Burghs, and as if this Act had not been passed.

Elections in Burghs contained in Schedule (F.)

XIII. And be it enacted, That in all the Cases of Election herein-before directed, if any Person elected as Councillor shall fail to attend on the Day appointed for declaring his Acceptance, he shall be held to have declined accepting the said Office, unless he then transmit to the Meeting a sufficient written Explanation, signed by himself or his Agent, of the Cause of his Absence, and intimating his Acceptance.

Persons elected failing to attend held to decline accepting.

XIV. And be it enacted, That no Person shall be entitled to be received and inducted as Councillor who shall not, previous to such Induction, be entered a Burgess of the Burgh for which he is so elected, wherever there is any Body of Burgesses in any such Burgh; and each such Person so elected shall produce, when he declares his Acceptance, the Evidence of his being such Burgess; and his Omission so to do shall be held to vacate his Election in the same Manner as if he had declined to accept: Provided always, that no merely honorary Burgess shall be entitled to be so inducted, and that any Person so elected shall be forthwith entitled to be entered as a Burgess on Payment of the ordinary Fees.

Councillors to be Burgesses before Induction.

XV. And be it enacted, That upon the First *Tuesday* of November One thousand eight hundred and thirty-four, and in every succeeding Year, the Electors in such Burghs shall in like Manner, *videlicet*, the Burghs contained in the said Schedule (C.) in their several Wards or Districts, and the other Burghs at their General Meetings, assemble and elect, in manner herein-before prescribed in relation to the first Election under this Act, One Third Part, or as nearly as may be One Third Part, of the Council of such Burghs, in the Place of the Third thereof who shall, as herein-after directed, go annually out of Office, the Wards or Districts into which the Burghs contained in the said Schedule (C.) are divided then electing such Number of Councillors as by the said Royal Commission such Wards or Districts shall be directed to elect at such annual Elections subsequent to the first Election.

Succeeding annual Election of Council.

XVI. And be it enacted, That upon the said First *Tuesday* of November in the Year One thousand eight hundred and thirty-four, and in every succeeding Year, One Third, or a Number as near as may be to One Third, of the whole Council of each such Burgh shall go out of Office; and in the said Year One thousand eight hundred and thirty-four the Third who shall go out shall consist of the Councillors who had the smallest Number of Votes at the Election of Councillors in this present Year; and in the succeeding Year, One thousand eight hundred and thirty-five, the Third of the Councillors first elected under this Act who shall go out shall consist of the Councillors who at such first Election under this Act had the next smallest Number of Votes, (the Majority of the Council always determining, where the Votes for any such Persons shall have been

One Third Part of the Council to go out of Office annually.

equal, who shall be the Persons to retire,) and thereafter the Third of the Councillors so annually going out of Office shall always consist of the Councillors who have been longest in Office: Provided always, that any Councillors so going out of Office shall be capable of being immediately re-elected.

Provost and
Magistrates to
be chosen.

XVII. And be it enacted, That the Councillors of all such Burghs not contained in Schedule (F.) to this Act annexed respectively so elected and accepting shall, upon the Third lawful Day after the Election of the whole Number of such Councillors in the present Year, assemble in the Town Hall or other usual public Place of meeting within such Burgh, and shall there, by a Plurality of Voices (the Councillor who had the greatest Number of Votes at the Election of Councillors having a casting or double Vote in case of Equality), elect from among their own Number a Provost or Chief Magistrate, the Number of Baillies fixed by the Set or Usage of such Burgh, a Treasurer, and other usual and ordinary Office Bearers now existing in the Council by the Set or Usage of each such Burgh, and shall also elect the Managers of any charitable or other public Institution existing in or connected with such Burgh, the Appointment of the Managers to which is at present vested in the Magistrates and Town Council of such Burgh.

Existing
Councils and
Magistrates to
go out on Com-
pletion of next
Election.

XVIII. And be it enacted, That (with and under the Exception herein-after enacted) upon the Completion of the first Elections of Councillors, Magistrates, and Office Bearers to be made in all the Royal Burghs in *Scotland* under the Provisions of this Act, and not sooner, the Provost, Magistrates, Office Bearers, and other Councillors now in Office in such Burghs respectively shall go out, and their whole Powers, Duties, and Functions shall cease and determine, except only where any of the said Persons shall have been again elected under the Provisions of this Act.

Official Titles
and Functions
in Councils to
be abolished.

XIX. And be it enacted, That (except as herein-after excepted) the Offices and Titles of Deacon, and of Convener and Dean of Guild, and of Old Provost and Old Baillie, as official and constituent Members of any Town Council, shall, after the Completion of the first Elections under the Provisions of this Act, cease and determine, and no Distinction shall afterwards be kept up or recognized between Trades Baillies and Merchant Baillies, or Trades Councillors and Merchant Councillors, in any such Council: Provided always, that (except as herein-after excepted) the Duties and Functions heretofore performed by the Dean of Guild in such Council, or in any Dean of Guild Court of such Burgh, shall, in all the Burghs where there now is such an Officer, be performed by a Member of the Council to be elected, in manner herein-before provided, by the Majority of Councillors.

Election of
Trustees and
Managers.

XX. And be it enacted, That where any Trust, Management, or Direction is by the Terms of any Public or Local Act, or of any Charter or Deed of Foundation, or other Deed, conferred on any Members of the Council under the Denomination of Old Provost, Old Baillie, or Old Dean of Guild, or of Merchant or Trades Baillies or Merchant or Trades Councillors respectively, the Town Councils to be named and elected in Terms of this Act shall, immediately after their own Acceptance and Induction into Office, nominate and elect from their own Body such a Number of Persons to be such Trustees, Managers, or Directors as are by such Acts,
Charters,

Charters, or Deeds appointed to those Offices under the said Denominations; and the whole Powers and Functions now belonging to the said Offices of Trustees, Managers, or Directors shall belong to and be as fully vested in the Persons so elected as if they had possessed the Denominations used in the said Acts, Charters, or Deeds.

XXI. And be it enacted, That nothing herein contained shall be held or construed to impair the Right of any Craft, Trade, Conventery of Trades, or Guildry, or Merchants House or Trades House, or other such Corporation, severally to elect their own Deacons or Deacon Convener, or Dean of Guild or Directors, or other lawful Officers, for the Management of the Affairs of such Crafts, Trades, Conventeries of Trades, or Guildries, Merchants or Trades Houses, or other such Corporations; but that, on the contrary, the said several Bodies shall, from and after the passing of this Act, be in all Cases entitled to the free Election in such Form as shall be regulated by them of the said several Office Bearers, and other necessary Officers for the Management of their Affairs, without any Interference or Controul whatsoever on the Part of the Town Council or any Member thereof.

Rights of Crafts, Trades, and Guildries to elect their own Officers.

XXII. And be it enacted, That from and after the Time when this Act comes into operation the Persons elected (or to be elected) as herein-before provided to the Offices of Dean of Guild and Deacon Convener, or Convener of Trades, by the Conventery and Guild Brethren respectively in the City of *Edinburgh*, and to the Offices of Dean of Guild and Deacon Convener by the Merchants House and Trades House respectively in the City of *Glasgow*, shall, in virtue of their said Elections by the said Guild Brethren, Conventery, Merchants House, and Trades House respectively, be constituent Members of the Town Councils of the said Cities, and shall enjoy all the Powers and perform all the Functions now enjoyed or performed by such Office Bearers in these Cities; and in like Manner the Persons elected (or to be elected) to the Offices of Deans of Guild by the several Guildries of the City of *Aberdeen* and the Towns of *Dundee* and *Perth* shall, in virtue of such their Elections, be constituent Members of the Town Councils of the said City and Burghs respectively, and shall as such enjoy all the Powers and perform all the Functions now exercised or enjoyed by the existing Deans of Guild in the said City and Burghs respectively; and the registered Electors, qualified as herein-before provided, in the said Cities and Burghs of *Edinburgh*, *Glasgow*, *Aberdeen*, *Dundee*, and *Perth* shall, in *November* in the present Year and in all future Years, elect only such a Number of Councillors as, with the Addition of the said Deans of Guild and Conveners to be so elected as aforesaid, make up the Number of Councillors now existing in the said several Cities and Burghs; and the Councillors so elected in the said Cities and Burghs of *Edinburgh*, *Glasgow*, *Aberdeen*, *Dundee*, and *Perth* shall not at the subsequent Election of Magistrates and Office Bearers elect any other Persons to fill the Offices or perform the Functions of Deans of Guild or Conveners, but these Offices shall be held and exercised, in the said Councils and otherwise, by the Persons so elected as aforesaid in the said Cities and Burghs of *Edinburgh*, *Glasgow*, *Aberdeen*, *Dundee*, and *Perth* respectively, and by no other Persons.

Certain Deans of Guild and Deacon Conveners to be Members of Councils ex officio.

XXIII. And

Trusts and
Managements
to be continued
in Persons
elected by
Crafts, Trades,
and Guildries.

XXIII. And be it enacted, That where any Trust, Management, or Direction of any charitable or other Institutions is vested in any Number of Deacons, or in a Deacon Convener, or Convener of Trades, or in any Dean of Guild, or other Office Bearers elected or hereafter to be elected by the several Crafts, Trades, Guildries, or Merchants, or Trades Houses, then and in all such Cases the Persons so elected as such Deacons, Conveners, Deans of Guild, or other Officers shall always be and continue Trustees and Managers of such Charities or Institutions, whether such Persons shall hereafter be Members of Council or not; and the Town Councils shall in no such Case have Power to elect from their own Body any other Trustees or Managers in place of such Deacons, Conveners, Deans of Guild, or other Officers: Provided always, that in any Burgh in which Trades Councillors or Merchant Councillors are or may be *ex officio* Trustees or Directors of any such Institutions or Charities the Convener or Trades House and the Guildry or Merchants House in such Burghs shall elect an equal Number from their own Bodies respectively to be such Trustees or Directors, any thing herein contained to the contrary notwithstanding.

Vacancies of
Magistrates
going out of
Office how
supplied.

XXIV. And be it enacted, That when any Magistrate or Office Bearer (other than the Provost or Chief Magistrate and Treasurer) shall be in the Third of the Council going out of Office, the Place of such Magistrate or Office Bearer shall be supplied by Election by the Council as soon as the full Number thereof shall have been completed by the annual Election of the Third then hereby directed to take place, the said Election to be made by Plurality of Voices, and the Chief or Senior attending Magistrate to have a double or casting Voice in case of Equality: Provided always, that the Provost or Chief Magistrate and the Treasurer shall always remain in Office for the Period of Three Years, and that they, as well as all the other Magistrates or Office Bearers, shall at all Times be capable of being re-elected.

Vacancies
occurring
within the Year
how to be sup-
plied.

XXV. And be it enacted, That if any Vacancy shall in the Course of the Year occur in the Council or Magistracy or Office Bearers of any such Burgh by Death, Disability, or Resignation, the same shall be filled up *ad interim* by the remaining Members of the Council, by Election, as herein-before provided, at a Meeting to be called on Five Days Notice by the Town Clerk by Intimation in Writing to each of such remaining Members of the Council; but any Councillor, Magistrate, or Office Bearer so elected *ad interim* shall go out of Office on the First *Tuesday* of *November* next ensuing his Election, and the Vacancy thereby occurring shall be supplied at the next annual Election of Councillors and Magistrates or Office Bearers in such Burgh; provided that if the Vacancy shall have occurred in any Burgh contained in the said Schedule (C.), such Vacancy shall at such annual Election be supplied by the Ward of such Burgh by which the Councillor who had died or resigned, or been disabled, had been elected, and which shall in this Case elect an additional Councillor, unless the Party so dying or disabled would then have gone out of Office as one of the Third hereby directed to retire.

Councillors,
&c. may resign.

XXVI. And be it enacted, That any Person elected and accepting the Office of Councillor, Magistrate, or other Office Bearer in any Town Council, under the Provisions of this Act, may resign his said Office

Office at any Time, upon giving not less than Three Weeks Notice of such his Intention by a written Intimation to the Town Clerk or Chief or Senior Magistrate; and in the Event of such Resignation being intimated as to be made at the Period of the annual Retirement of One Third of the Council, such additional Number of Councillors shall then be elected as may be necessary to complete the Council: **Provided** always, that no Fine or other Penalty shall be exigible from any Person either declining to accept after his Election or subsequently resigning his Office.

XXVII. And be it enacted, That where any Royal Burgh shall, in consequence of the Decision of a Court of Law or otherwise, be without any legal Council or Magistracy at the Time when this Act comes into operation, or at any future Time, all the Functions directed by this Act to be performed by the existing Magistrates or Councils shall be performed by One or more of the Managers who may, by any lawful Appointment, be then in the actual Administration of the Affairs of any such Burgh.

Burghs having
no legal Councils.

XXVIII. And be it further enacted, That no Councillor, nor the Partner in Business of any Councillor, shall be capable of holding the Office of Town Clerk in any such Burgh; and that no Town Clerk shall, during the Period he shall hold that Office, interfere directly or indirectly in the Election of the Magistrates or Town Council of any such Burgh.

No Councillor
to hold the
Office of Town
Clerk.

XXIX. And be it enacted, That all the Notices or Intimations hereby directed or required to be given or made in any such Burgh of any Meetings or Proceedings to be held or had in the Matter of the Elections of or respecting such Burgh shall, where not directed to be otherwise given, be given or made by the respective Town Clerks thereof.

Town Clerk to
give Notices.

XXX. And be it enacted, That the several Persons officiating at Elections as Substitutes for the Provosts or Chief Magistrates in the several Wards or Districts into which the Burghs contained in the said Schedule (C.) shall be divided (not being the Town Clerks of such Burghs), shall be entitled to receive a Sum not exceeding Three Pounds Three Shillings for each Day they shall respectively be so employed, the Poll Clerks officiating at such Elections being each entitled to the Sum of One Pound One Shilling for each Day, and the several Persons who shall be appointed to assist the Provost or Chief Magistrate of any of the Royal Burghs as Assessors in disposing of Claims and Objections as aforesaid (not being the Town Clerks of such Burghs) shall be paid a like Sum, not exceeding Three Pounds Three Shillings, each Day such Persons shall be so employed; which Sum, together with all the other Expences attending such Elections, or the making up of the Lists or Rolls of Electors, giving Notices at the Church Doors, and providing Copies of the said Rolls, or Parts thereof, for the Purposes of Election, shall be defrayed from the Common Good or other Means or Revenues of such Burghs respectively.

Fees of Substitutes and Assessors, and Election Expences, how to be paid.

XXXI. And be it enacted, That the Magistrates and Council and Office Bearers to be elected under the Provisions of this Act shall in all respects stand in relation to the Administration of the Affairs and Property of such Burghs, or of Property under the Care and Management of such Burghs, in the same Situation in which the Magistrates and Council and Office Bearers of such Burghs did stand

New Magistrates to administer the Affairs of the Burgh.

stand previous to the passing of this Act; and the Magistrates and Council and Office Bearers to be elected under the Provisions of this Act shall have such and the like Jurisdiction, and the same Rights and Powers of Administration of the Property and Affairs of the Burgh, and of making all usual and necessary Appointments, as heretofore lawfully belonged to and was exercised by their Predecessors in Office; any thing in the Set, Usage, or Custom of any such Burgh to the contrary notwithstanding.

Magistrates and Council to make up a State of their Affairs.

XXXII. And be it enacted, That the existing Magistrates and Council in all Royal Burghs shall, on or before the Fifteenth Day of *October* in the present and in all future Years, make up a distinct State of their Affairs, subscribed by the Chief or Senior Magistrate, Town Clerk, and Treasurer, containing an Account of all the Funds, Properties, and Revenues in their Administration, and of all their Transactions in relation to such Funds, Properties, and Revenues since they came into Office; which Amount shall be brought down as nearly as may be to the said Fifteenth Day of *October*, and shall be kept in the Town Clerk's or Treasurer's Office, for the Inspection of any of the registered Electors, from the said Fifteenth Day of *October* down till the Time of the Election; and a full and distinct Abstract of the said Account, with a Balance Sheet, containing all necessary Particulars, shall be printed and published by the said Magistrates on or before the Twentieth Day of the said Month of *October*.

Magistrates not responsible for the Debts of the Burgh.

XXXIII. And be it enacted, That no Councillor or Magistrate elected and accepting under the Provisions of this Act shall incur by such Election or Acceptance any other Responsibility for the Debts of the Burgh, or the Acts of his Predecessors in Office, than might have attached to him as a Burgess or Inhabitant independently of such Election.

Penalty for wilful Malversation.

XXXIV. And be it enacted, That if any Magistrate, Councillor, Town Clerk, Sheriff, or other Person shall wilfully contravene or disobey the Provisions of this Act, he shall be liable to be sued for such Offence in the Court of Session by any Person aggrieved for the penal Sum of Three hundred Pounds; which Sum, or any smaller Sum which may be assessed by the Jury in any such Action, the Defender, upon Conviction, shall pay to the Pursuer with full Costs of Suit: Provided always, that every such Action shall be raised within Four Calendar Months after the Cause of Action shall have arisen, and that Notice in Writing shall be given to the Defender at least One Calendar Month before raising the same: Provided also, that any such Defender against whom Judgment shall have been once recovered in such Action shall be entitled to plead such Judgment as a Bar to any other Action which may be brought against him for the same Matter or Thing; and such other Action being thereupon dismissed, such Defender shall recover his full Costs of Suit.

Misnomers not to vitiate Proceedings.

XXXV. And be it enacted, That no Misnomer or inaccurate Description of any Person or Place in any Writing made in the Form of any Schedule to this Act annexed, or in any List or Register or Notice, or other Writing, made under Authority of this Act, shall in any way prevent or abridge the Operation of this Act; provided that such Person or Place shall be so designated in such Writing, List, Register, or Notice as to be commonly understood.

XXXVI. And

XXXVI. And be it enacted, That all Laws, Statutes, and Usages now in force respecting the Royal Burghs in that Part of *Great Britain* called *Scotland* shall be and the same are hereby repealed in so far as they are inconsistent or at variance with the Provisions of this Act, but in all other respects the same shall remain in full Force and Effect: Provided always, that the Oath termed the Burgher Oath shall in no Case hereafter be required to be taken in any Burgh.

All Statutes at variance with this Act repealed.

Burgher Oath not to be taken.

XXXVII. And be it enacted, That no Irregularity or Nullity in the Election of any Councillor or Magistrate shall in any Case after the passing of this Act annul or affect the Election of other Councillors or Magistrates not liable to the same Grounds of Objection, but those particular Elections only in which such Irregularity or Nullity shall have occurred.

Irregularity in the Election of Councillors only to affect themselves.

XXXVIII. And be it enacted, That this Act may be repealed, altered, or amended by any Act or Acts to be passed in the present Session of Parliament.

Act may be altered this Session.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.) — PART FIRST.

City [*or Burgh*] of

I *A. B.* [*insert Designation*] hereby claim to be enrolled as a Voter for the Town Councillors of the said City [*or Burgh*] in respect of my Interest in the House, Shop, *et cetera*, situated in [*here insert the Situation of the Premises, described by the Street, Number, Parish, or other Locality*]; and [*in Cases where the Claimant chooses to make such Production*] in support of my Claim I produce herewith a [*Disposition, Seisin, Lease, et cetera, dated, et cetera, as the Case may be.*]

[Date.]

(Signed) *A. B.*

SCHEDULE (A.) — PART SECOND.

Number lodged with me *C. D.*, Town Clerk of
this Day together with the Disposition, Seisin, Lease,
et cetera, above written [*in Cases where any such Documents are lodged*].

(Signed) *C. D.*

SCHEDULE (B.)

City [*or Burgh*] of

I *A. B.* [*or We, C. D., E. F., et cetera,*] object to the Claim of *A. B.* to be admitted [*or to continue on the Roll*] as a Voter for Councillors in the City [*or Burgh*] of on the following Ground [*here may be stated shortly the Grounds, as that Property or Occupancy not of sufficient Value, that the Party is not or has ceased to be Proprietor, Tenant, or Occupant, or is personally disqualified, as being a Minor, a fatuous Person, et cetera*]; and I crave to be heard on the said Objection or Objections before the Chief Magistrate or Assessor.

[Date.]

(Signed) *A. B.*

SCHEDULE (C.)

EDINBURGH.
GLASGOW.
ABERDEEN.
DUNDEE.
PERTH.
DUNFERMLINE.
DUMFRIES.
INVERNESS.

SCHEDULE (D.)

I *A. B.* do solemnly swear [*or affirm*], That I am the Individual described in the List or Roll for the City [*or Burgh*] of as *A. B.* of [*here insert Description in the same Words as contained in the Roll*]; that I am still the Proprietor [*or Occupant*] of the Property for which I am so enrolled, and hold the same for my own Benefit, and not in Trust for or at the Pleasure of any other Person; and that I have not already voted at this Election.

SCHEDULE (E.)

I *A. B.* do solemnly swear [*or affirm*], That I have not received or had, by myself or any Person for my Use or Benefit, any Sum or Sums of Money, Office, Place, or Employment, Gift or Reward, or any Promise or Security for any Money, Office, or Gift, in order to give my Vote at this Election.

SCHEDULE (F.)

DORNOCH.	WESTER ANSTRUTHER.
NEW GALLOWAY.	KILRENY.
CULROSS.	KINGHORN.
LOCHMABEN.	KINTORE.
BERVIE.	

CAP. LXXVII.

See 1026 c. 55 & 26
102117 c. 39
An Act to provide for the Appointment and Election of Magistrates and Councillors for the several Burghs and Towns of *Scotland* which now return or contribute to return Members to Parliament and are not Royal Burghs. [28th August 1833.]

2 & 3 W. 4. c. 65. **W**HEREAS by an Act passed in the last Session of Parliament, intituled *An Act to amend the Representation of the People in Scotland*, the Right of sending or contributing to send Members to Parliament was conferred on divers Burghs and Towns in *Scotland* which were not Royal Burghs: And whereas there are in some of those Burghs and Towns no proper Magistracy or Councils; and the Constitution of such Magistracies and Councils, and the Mode of electing the same, where they do exist in such Burghs or Towns, is defective, and has given Occasion to much Inconvenience: For Remedy whereof it is expedient that Provision

sion be now made for the due Appointment and Election of such Magistrates and Councils in all such Burghs; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First *Tuesday* in *November* next there shall be in each of the several Burghs and Towns of *Paisley, Greenock, Leith, and Kilmarnock* the Number of Sixteen Councillors, whereof One shall be Provost, Four shall be Baillies, and One a Treasurer; and in each of the several Burghs and Towns of *Falkirk, Hamilton, Peterhead, Musselburgh, and Airdrie* there shall be the Number of Twelve Councillors, whereof One shall be Provost, and Three Baillies, and One a Treasurer; and in each of the several Burghs or Towns of *Port Glasgow, Cromarty, and Portobello* there shall be the Number of Nine Councillors, whereof One shall be Provost, and Two Baillies; and in the Burgh of *Oban* there shall be the Number of Six Councillors, whereof Two shall be Baillies.

Number of Councillors and Magistrates in each Burgh.

II. And be it enacted, That the Right of electing the Councillors in each of the said Burghs and Towns shall be in all the Persons who are qualified to vote for a Member of Parliament for such Burgh or Town, whose Names shall be on the Register directed to be kept by the said recited Act, and which shall have been completed in Terms thereof up to the Period thereby directed next previous to the Time herein-after appointed for the Election of such Councillors; and such Register so completed from Time to Time shall be and be deemed to be the Register of Electors of the Councillors for such Burghs or Towns respectively.

Councillors by whom to be elected.

III. And be it enacted, That the said Burghs or Towns of *Paisley, Greenock, Leith, and Kilmarnock* shall be divided into Wards or Districts, which, together with the Number of Councillors to be chosen by each such Ward or District, shall be fixed and ascertained by the Commissioners named and appointed by His Majesty to inquire into and report upon the Condition of the several Burghs and Towns of *Scotland* by a Commission dated on the Fifteenth Day of *July* in this present Year; and such Commissioners shall have regard to its being the Purport and Meaning of this Act that the Number of Wards shall be such that each Ward shall, at the first Election to be made under this Act, choose, as nearly as may be, the Number of Three Councillors, and at the subsequent annual Elections in each succeeding Year the Number of One Councillor; and the said Commissioners shall, upon such Division being made and completed, report the same to His Majesty's Privy Council, who shall cause such Report to be published by Royal Proclamation in the Gazette; and the Number and Limits of such Districts, and the Number of Councillors to be erected by each such District, being so fixed, reported, and published, shall be held and taken to be a Part of this Act, in the same Manner and to the same Effect as if the same were particularly set forth and enacted herein.

Certain Burghs to be divided into Wards and Districts by Commissioners.

IV. And be it enacted, That upon the First *Tuesday* of *November* next the Electors qualified and entered in the said Register shall, in each of the said Burghs or Towns of *Paisley, Greenock, Leith, and Kilmarnock* respectively, choose from among such of their own Number as either reside within the Boundaries assigned to such

Councils to be chosen for Paisley, Greenock, Leith, and Kilmarnock.

Burgh

by a List containing the Names of the Persons for whom each Elector respectively intends to vote, which several Lists shall be signed by each such Elector respectively, and shall be openly given in by each Elector to the Town Clerk of such Burgh or Town on the Day of Election, no other Inquiry being permitted at such Election, and no other Oath allowed to be administered, than as herein-before provided as to the Burghs electing by Poll; and such Town Clerk, together with the Provost or Chief or Senior attending Magistrate of the Burgh or Town, who shall preside at such Election, shall publicly cast up the Number of Votes, and shall declare upon whom the Election has fallen by the Majority of Votes; and the Provost or Chief or Senior Magistrate shall forthwith give or cause to be given Notice in Writing to the several Councillors elected of such their Election, and call upon them severally to appear in the Town Hall or other public Room aforesaid on the Second lawful Day after such Election, when they shall severally declare whether they accept or decline accepting the Office of Councillor; and if any such Person so elected shall decline to accept, or in case there shall be an Equality of Votes in favour of Two or more Persons, the whole of whom cannot be received as Councillors, a new Election shall immediately thereafter take place for the vacant Place or Places of the Councillor or Councillors so declining to accept, or elected by equal Numbers, to be intimated as herein-before provided as to the Burghs electing by Poll, and to proceed in the same Manner in all respects in which the Election for Councillors is herein-before directed to proceed until the Council of such Burgh shall be completed.

Persons elected,
failing to attend,
held to decline
accepting.

X. And be it enacted, That in all the Cases of Election herein-before directed, if any Person elected as Councillor shall fail to attend on the Day appointed for declaring his Acceptance, he shall be held to have declined accepting the said Office, unless he then transmit to the Meeting a sufficient written Explanation, signed by himself or his Agent, of the Cause of his Absence, and intimating his Acceptance.

Succeeding
annual Election
of Council.

XI. And be it enacted, That upon the First *Tuesday of November* One thousand eight hundred and thirty-four, and upon the same Day in every succeeding Year, the Electors in such Burghs and Towns respectively shall in like Manner, *videlicet*, the Burghs or Towns of *Paisley, Greenock, Leith, and Kilmarnock* in their several Wards or Districts, and the said other Burghs or Towns at their General Meetings, assemble and elect, in manner herein-before prescribed in relation to the first Election under this Act, One Third Part or as nearly as may be One Third Part of the Council of each such Burgh or Town, in the Place of the Third thereof who shall, as herein-after directed, go annually out of Office, the Wards or Districts into which the Burghs or Towns divided into Wards or Districts are divided then electing such Number of Councillors as by the said Royal Commissioners such Wards or Districts shall be directed to elect at such annual Elections subsequent to the first Election.

One Third Part
of the Council
to go out of
Office annually.

XII. And be it enacted, That upon the said First *Tuesday of November* in the Year One thousand eight hundred and thirty-four, and in every succeeding Year, One Third or a Number as near as may be to One Third of the whole Council of each such Burgh shall

shall go out of Office; and in the said Year One thousand eight hundred and thirty-four the Third who shall go out shall consist of the Councillors who had the smallest Number of Votes at the Election of Councillors in this present Year; and in the succeeding Year, One thousand eight hundred and thirty-five, the Third of the Councillors first elected under this Act who shall go out shall consist of the Councillors who at such first Election under this Act had the next smallest Number of Votes, (the Majority of the Council always determining, where the Votes for any such Persons shall have been equal, who shall be the Persons to retire,) and thereafter the Third of the Councillors so annually going out of Office shall always consist of the Councillors who have been longest in Office: Provided always, that any Councillors so going out of Office shall be capable of being immediately re-elected.

XIII. And be it enacted, That the Councillors of the said Burghs or Towns of *Paisley, Greenock, Leith, and Kilmarnock* respectively so elected and accepting shall, upon the Third lawful Day after the Election of the whole Number of such Councillors in the present Year, assemble in the Town Hall or other usual public Place of meeting within such Burgh or Town, and shall there, by a Plurality of Voices (the Councillor who had the greatest Number of Votes at the Election of Councillors having a casting or double Vote in case of Equality), elect from among their own Number a Provost or Chief Magistrate, Four Baillies, and a Treasurer.

Election of
Provost and
Magistrates for
Paisley, &c.

XIV. And be it enacted, That the Councillors of the said Burghs or Towns of *Falkirk, Hamilton, Peterhead, Musselburgh, and Airdrie* respectively so elected and accepting shall, upon the Third lawful Day after the Election of the whole Number of such Councillors in the present Year, assemble in the Town Hall or other usual public Place of meeting within such Burgh or Town, and shall there, by a Plurality of Voices (the Councillor who had the greatest Number of Votes at the Election of Councillors having a casting or double Vote in case of Equality), elect from among their own Number a Provost, Three Baillies, and a Treasurer.

Election of
Provost and
Magistrates for
Falkirk, &c.

XV. And be it enacted, That the Councillors of the said Burghs or Towns of *Port Glasgow, Cromarty, and Portobello* respectively so elected and accepting shall, upon the Third lawful Day after the Election of the whole Number of such Councillors in the present Year, assemble in the Town Hall or other usual public Place of meeting within such Burgh or Town, and shall there, by a Plurality of Voices (the Councillor who had the greatest Number of Votes at the Election of Councillors having a casting or double Vote in case of Equality), elect from among their own Number a Provost and Two Baillies.

Election of
Provost and
Magistrates for
Port Glasgow,
&c.

XVI. And be it enacted, That the Councillors of the said Burgh of *Oban* so elected and accepting shall, upon the Third lawful Day after the Election of the whole Number of such Councillors in the present Year, assemble in the Town Hall or other usual public Place of meeting within such Burgh or Town, and shall there, by a Plurality of Voices (the Councillor who had the greatest Number of Votes at the Election of Councillors having a casting or double Vote in case of Equality), elect from among their own Number Two Baillies.

Election of
Baillies for
Oban.

Election of
Managers of
Charities.

XVII. And be it enacted, That the Councillors of the said several Burghs or Towns shall in the like Manner as they are herein before directed to elect their Magistrates, and at the same Time, elect the Managers of any charitable or other public Institution existing in or connected with such Burgh or Town, the Appointment of the Managers of which is at present vested in the Magistrates and Town Council of such Burgh or Town.

Existing Coun-
cils and Magis-
trates to go out
on Completion
of next Election.

XVIII. And be it enacted, That upon the Completion of the first Elections of Councillors, Magistrates, and Office Bearers to be made in all the said Burghs or Towns under the Provisions of this Act, and not sooner, the Provost, Magistrates, Office Bearers, and other Councillors now in Office in such Burghs or Towns respectively shall go out, and their whole Powers, Duties, and Functions shall cease and determine, except only where any of the said Persons shall have been again elected under the Provisions of this Act, and there shall thereafter be no other Magistrates or Officers for such Burghs or Towns than those hereby specified and directed to be elected and chosen.

Election of
Trustees and
Managers.

XIX. And be it enacted, That where any Trust or Management is, by the Terms of any Public or Local Act, or of any Charter or Deed of Foundation, or other Deed, conferred on the present Magistrates and Council of any of the said Burghs or Towns, the Magistrates and Councils, to be elected according to the Provisions of this Act, shall have the same Powers and Rights as such Trustees, Managers, or Directors as belong to the existing Magistrates and Councils; and where any such Trust or Management is conferred on any particular Members of the present Council of Magistracy or Office Bearers of any such Burgh or Town, the Town Councils to be named and elected in Terms of this Act shall immediately after their own Acceptance and Induction into Office nominate and elect from their own Body such a Number of Persons to be such Trustees or Managers as are by such Acts, Charters, or Deeds appointed to those Offices under the said Denominations; and the whole Powers and Functions now belonging to the said Offices of Trustees or Managers shall belong to and be as fully vested in the Persons so elected as if they had possessed the Denominations used in the said Acts, Charters, or Deeds.

Councillors to
be Burgesses
before Induc-
tion.

XX. And be it enacted, That in all Burghs where there are Burgesses no Person shall be entitled to be received and inducted as Councillor who shall not, previous to such Induction, be entered a Burgess of the Burgh for which he is so elected; and each such Person so elected shall produce, when he declares his Acceptance, the Evidence of his being such Burgess; and his Omission so to do shall be held to vacate his Election in the same Manner as if he had declined to accept: Provided always, that no merely honorary Burgess shall be entitled to be so inducted, and that any Person so elected shall be entitled to be entered as a Burgess on Payment of the ordinary Fees to the Common Good of the Burgh.

Rights of
Crafts, Trades,
and Guildries to
elect their own
Officers.

XXI. And be it enacted, That nothing herein contained shall be held or construed to impair the Right of any Craft, Trade, or Guildry severally to elect their own Deacons or Deacon Convener or Dean of Guild for the Management of the Affairs of such Crafts, Trades, or Guildries, but that on the contrary the said several Bodies

dies shall, from and after the passing of this Act, be in all Cases entitled to the free Election of the said several Office Bearers and other necessary Officers for the Management of their Affairs, without any Interference or Controul whatsoever on the Part of the Town Council or any Member thereof.

XXII. And be it enacted, That when any Magistrate or Office Bearer (other than the Provost or Chief Magistrate and Treasurer) shall be in the Third of the Council going out of Office, the Place of such Magistrate or Office Bearer shall be supplied by Election by the Council as soon as the full Number thereof shall have been completed by the annual Election of the Third then hereby directed to take place; and the said Election shall be made by Plurality of Voices; and the chief or senior attending Magistrate shall have a double or casting Voice in case of Equality: Provided always, that the Provost or Chief Magistrate and the Treasurer shall always remain in Office for the Period of Three Years, and that they as well as all the other Magistrates or Office Bearers shall at all Times be capable of being re-elected.

Vacancies of Magistrates going out of Office how supplied.

XXIII. And be it enacted, That if any Vacancy shall in the Course of the Year occur in the Council or Magistracy or Office Bearers of any such Burgh or Town by Death, Disability, or Resignation, the same shall be filled up *ad interim* by the remaining Members of the Council by Election, as herein-before provided, at a Meeting to be called on Five Days Notice by the Town Clerk by Intimation in Writing to each of such remaining Members of the Council; but any Councillor, Magistrate, or Office Bearer so elected *ad interim* shall go out of Office on the First *Tuesday of November* next ensuing his Election, and the Vacancy thereby occurring shall be supplied at the next annual Election of Councillors and Magistrates or Office Bearers in such Burgh; provided that if the Vacancy shall have occurred in any of the said Burghs or Towns of *Paisley, Greenock, Leith, or Kilmarnock*, such Vacancy shall at such annual Election be supplied by the Ward of such Burgh or Town by which the Councillor who had died or resigned or been disabled had been elected, and which shall in this Case elect an additional Councillor, unless the Party so dying or disabled would then have gone out of Office as One of the Third hereby directed to retire.

Vacancies occurring within the Year how to be supplied.

XXIV. And be it enacted, That any Person elected and accepting the Office of Councillor, Magistrate, or other Office Bearer in any Town Council under the Provisions of this Act may resign his said Office at any Time, upon giving not less than Three Weeks Notice of such his Intention by a written Intimation to the Town Clerk, or Chief or Senior Magistrate; and in the Event of such Resignation being intimated as to be made at the Period of the annual Retirement of One Third of the Council, such additional Number of Councillors shall then be elected as may be necessary to complete the Council: Provided always, that no Fine or other Penalty shall be exigible from any Person either declining to accept after his Election or subsequently resigning his Office.

Councillors, &c. may resign.

XXV. And be it enacted, That where any such Burgh or Town shall, in consequence of the Decision of a Court of Law or otherwise, be hereafter without any legal Council or Magistracy, all the Functions directed by this Act to be performed by the existing Magistrates

Burghs having no legal Councils.

gistrates or Councils shall be performed by One or more of the Managers who may by any lawful Appointment be then in the actual Administration of the Affairs of any such Burgh or Town, and in default of any such Managers by the Sheriff or Sheriff Substitute of the County.

Town Clerk to
be appointed.

XXVI. And be it enacted, That it shall be lawful for the Magistrates and Council of any such Burgh or Town to elect a Town Clerk for such Burgh or Town for the Period of One Year, without Prejudice to his Re-election, and also without Prejudice to the lawful Right of any existing Town Clerk in any such Burgh or Town to hold his Office of Town Clerk or Clerk to the Magistrates and Council *ad vitam aut culpam*.

Town Clerk to
give Notices.

XXVII. And be it enacted, That all the Notices or Intimations hereby directed or required to be given or made in any such Burgh or Town of any Meetings or Proceedings to be held or had in the Matter of the Elections of or respecting such Burgh or Town shall, where not directed to be otherwise given, be given or made by the respective Town Clerks thereof; or in case there shall be no Town Clerk, the Duty imposed on the Town Clerk by this Act shall be performed by the Sheriff Clerk of the County: Provided always, that no Councillor nor the Partner in Business of any Councillor shall be entitled to hold the Office of Town Clerk in any such Burgh or Town, and that no Town Clerk shall directly or indirectly interfere in the Election of Magistrates or Councillors for such Burgh or Town.

Notices may be
given at Place
of Worship.

XXVIII. And be it further enacted, That where there is no Parish Church within the Burgh, the Notices hereby required may be given at the principal Place of Public Worship within the Burgh.

Fees of Substi-
tutes and Asses-
sors, and Elec-
tion Expences,
how to be paid.

XXIX. And be it enacted, That the several Persons officiating at Elections as Substitutes for the Provosts or Chief Magistrates in the several Wards or Districts into which the Burghs or Towns of *Paisley, Greenock, Leith, and Kilmarnock* shall be divided (not being the Town Clerks of such Burghs) shall be entitled to receive a Sum not exceeding Three Pounds and Three Shillings for each Day they shall respectively be so employed, and the Poll Clerks the Sum of One Pound and One Shilling each for the same Period; which Sum, together with all the other Expences attending such Elections, or the making up of the aforesaid Register, giving Notices at the Church Doors, and providing Copies of the said Registers or Parts thereof for the Purposes of Election, shall be defrayed from the Common Good or other Means or Revenues of such Burghs respectively.

Magistrates and
Town Council
to have same
Powers as
Magistrates and
Council now
existing;

XXX. And be it enacted, That the Magistrates and Town Council to be elected for the said Burghs or Towns under the Authority of this Act shall have such and the like Rights, Powers, Authorities, and Jurisdiction as is or are possessed by the Magistrates and Council of any Royal Burgh in *Scotland*; and such Rights, Powers, Authorities, and Jurisdiction shall extend equally over all and every Part of the Limits of such Burghs or Towns as described in the said recited Act of the Second and Third Year of the Reign of His present Majesty: Provided always, that the Magistrates and Council of such Burghs or Towns shall not have the Power of trying for Crimes punishable by Death or Transportation; and that the Rights, Powers, Authorities, and Jurisdiction hereby conferred shall in no Case be

but not to have
the Power of
trying for Felo-
nies, &c.

exclusive

exclusive of the Authority and Jurisdiction of any Admiralty Court or Dean of Guild Court now lawfully established, or of the Sheriff or Justices of the Peace of the County, over the Territory within the Boundaries of such Burghs or Towns respectively.

XXXI. And be it enacted, That the existing Magistrates and Council in all the Burghs contained in this Act shall, on or before the Fifteenth Day of *October* in the present and in all future Years, make up a distinct State of their Affairs, subscribed by the Chief or Senior Magistrate, Town Clerk, and Treasurer, containing an Account of all the Funds, Properties, and Revenues in their Administration, and of all their Transactions in relation to such Funds, Properties, and Revenues since they came into Office, which Account shall be brought down as nearly as may be to the said Fifteenth Day of *October*, and shall be kept in the Town Clerk's or Treasurer's Office, for the Inspection of any of the registered Electors, from the said Fifteenth Day of *October* down till the Time of the Election; and a full and distinct Abstract of the said Account, with a Balance Sheet containing all necessary Particulars, shall be printed and published by the said Magistrates on or before the Twentieth Day of the said Month of *October*.

Magistrates, &c.
to publish a
State of their
Affairs yearly.

XXXII. And be it enacted, That if any Magistrate, Councillor, Town Clerk, Sheriff, or other Person shall wilfully contravene or disobey the Provisions of this Act, he shall be liable to be sued for such Offence in the Court of Session by any Person aggrieved for the penal Sum of Three hundred Pounds; which Sum, or any smaller Sum which may be assessed by the Jury in any such Action, the Defender, upon Conviction, shall pay to the Pursuer, with full Costs of Suit: Provided always, that every such Action shall be raised within Four Calendar Months after the Cause of Action shall have arisen, and that Notice in Writing shall be given to the Defender at least One Calendar Month before raising the same: Provided also, that any such Defender against whom Judgment shall have been once recovered in such Action shall be entitled to plead such Judgment as a Bar to any other Action which may be brought against him for the same Matter or Thing; and such other Action being thereupon dismissed, such Defender shall recover his full Costs of Suit.

Penalty for
wilful Malver-
sation.

XXXIII. And be it enacted, That no Irregularity or Nullity in the Election of any Councillor or Magistrate shall, in any Case after the passing of this Act, annul or affect the Election of other Councillors or Magistrates not liable to the same Grounds of Objection, but those particular Elections only in which such Irregularity or Nullity shall have occurred; saving always and reserving to all and every Person and Persons, or Class or Community of Persons, Bodies Politic, Corporate, or Collegiate, all and every Right of Property within the said Burghs and Towns which they respectively had or enjoyed before the passing of this Act.

Irregularity in
the Election of
Councillors only
to affect them-
selves.

XXXIV. And be it enacted, That this Act may be repealed, altered, or amended by any Act or Acts to be passed in the present Session of Parliament.

Act may be
altered.

SCHEDULE (A.)

I *A.B.* do solemnly swear [*or affirm*], That I am the Individual described in the List or Roll

for the Town [*or*
Burgh]

Burgh] of as A.B. of [here insert Description in the same Words as contained in the Roll]; that I am still the Proprietor [or Occupant] of the Property for which I am so inrolled, and hold the same for my own Benefit, and not in Trust for or at the Pleasure of any other Person; and that I have not already voted at this Election.

SCHEDULE (B.)

I A.B. do solemnly swear [or affirm], That I have not received or had, by myself or any Person for my Use or Benefit, any Sum or Sums of Money, Office, Place, or Employment, Gift or Reward, or any Promise or Security for any Money, Office, or Gift, in order to give my Vote at this Election.

CAP. LXXVIII.

An Act to amend the Laws relating to Grand Juries in Ireland. [28th August 1833.]

59 G. 3. c. 84.

‘ WHEREAS an Act was passed in the Fifty-ninth Year of the Reign of His Majesty King George the Third, intituled *An Act to amend the Laws for making, repairing, and improving the Roads and other public Works in Ireland by Grand Jury Presentments, and for a more effectual Investigation of such Presentments, and for further securing a true, full, and faithful Account of all Monies levied under the same*, whereby it was enacted, that from and after the passing thereof no Affidavit should be necessary to empower any Grand Jury in Ireland to make any Presentment for the making or repairing or improving any Road or Footpath, or for the several other Purposes therein recited, the Provisions of any Act or Acts theretofore in force in Ireland prescribing such Affidavit to the contrary notwithstanding; and instead of such Affidavit it was by the said Act of the Fifty-ninth Year of the Reign of His said Majesty King George the Third enacted, that certain Applications made in certain Forms in a Schedule to the said last-recited Act annexed, accompanied with such Estimates, Specifications, Maps, Plans, Sections, or Elevations as by the said Schedule required, should, after having been previously taken into consideration by the Magistrates assembled in Special Sessions in manner by the said Act directed, be the only Authority for empowering any Grand Jury to make Presentments for the said Purposes; and divers Provisions were by the said Act made for the Appointment of the Times and Places for holding such Special Sessions, and for regulating the Qualifications of the Magistrates presiding thereat, and for regulating the Proceedings thereat and consequent thereon: And whereas it has not been found that the said Provisions for the Consideration of Presentments are adequate to secure the needful Investigation of the Disbursement of the public Monies, and the due and economical Performance of the Works to be carried into execution by virtue of Grand Jury Presentments, pursuant to the several Acts now in force in Ireland: And whereas it has been found that Grand Juries impanelled as heretofore on the first Day of the Assizes in each County, County of a City or Town, have not sufficient Time to deliberate upon and examine into

* into the several Presentments laid before them, nor to transact the other Functions of the Grand Inquest; and it is expedient to enlarge such Time: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Commencement of this Act the said recited Act of the Fifty-ninth Year of the Reign of His Majesty King *George the Third* shall be and the same is hereby repealed (save and except so far as the said recited Act repeals any other Act or Acts; and also save and except the Provisions made therein with respect to Affidavits for Presentments in the County of *Dublin* or County of the City thereof, and the Preparation and printing of Schedules thereof, and Duty of Inspectors in relation thereto; and also save and except the Provisions made therein with respect to the Town and Liberties of *Kinsale*; and also save and except as is herein-after saved and excepted with respect to Presentments and Contracts made before the Commencement of this Act, and the Duties and Powers of Supervisors and their Deputies, and the Executors of such Supervisors, and Overseers of Roads, Bridges, and other Works presented or made, or begun and entered upon, before the Commencement of this Act; and also save and except as the Provisions of the said Act now regulate and appoint the Qualification of Magistrates entitled to vote at Elections of Treasurers of Counties in *Ireland* under and by virtue of an Act made in the Fourth Year of the Reign of His late Majesty King *George the Fourth*, intituled *An Act to make more effectual Regulations for the Elections, and to secure the Performance of the Duties, of County Treasurers in Ireland*, referring to and adopting such Provisions).

Recited Act repealed, with certain Exceptions.

4 G. 4. c. 33.

II. And be it enacted, That from and after the Commencement of this Act it shall and may be lawful to and for every Justice of the Peace in and for any County in *Ireland* who shall be seised of a Freehold Estate in Fee Simple or in Fee Tail or for Life of the annual Value of Three hundred Pounds at the least, situate in such County, or who shall be Heir Apparent to any Person so seised, or who shall be seised or possessed of a Leasehold Estate or Estates for Life, or for a Term of Years whereof not less than Fourteen Years shall be unexpired, of the yearly Value of Five hundred Pounds at the least, situate in such County, or who being seised of a Leasehold Estate for Life not being of such Value shall also be possessed of a Leasehold Estate or Estates for a Term of Years as aforesaid which together with such Estate for Life shall amount to the clear yearly Value of Four hundred Pounds at the least, situate in such County, or who shall be a Magistrate of any City and Liberties, County of a City, County of a Town, or City and County, by virtue of the Charter or Charters incorporating the same, or who shall be an Alderman of any Corporation in any County of a City or County of a Town incorporated by Charter, and consisting of a Chief Magistrate, Alderman, and Burgesses, and where there shall not be more than Three Magistrates, or who shall be Rector or Vicar of any Rectory or Vicarage of the clear yearly Value of Three hundred Pounds, and resident therein, and who shall be an Agent to the Owner or Owners of any Estate or Estates in any County, County of a City, County of a Town, or City and County, of the annual

Justices to hold a Special Sessions for Purposes of this Act.

annual Value of Six thousand Pounds, for the Estate or Estates therein belonging to such Owner or Owners, whether such Agent shall or shall not be seised or possessed in his own Right of any Estate, provided that such Agent be a Magistrate of such County, and really and *bonâ fide* residing therein, to attend, and all such Justices are hereby required to assemble from Time to Time and to hold a Special Sessions for the Purposes of this Act, in such Place and Places, and at such Time and Times, within any and every such County or Place for which they shall be such Justices as the Grand Jury of the same shall have appointed, pursuant to the Provisions herein-after following.

Grand Juries to
sit Times and
Places for
Special Sessions
in every County.

III. And be it enacted, That it shall be lawful for the several Grand Juries in every County in *Ireland*, and they are hereby required, at each Assizes to appoint by Presentment certain Places within their respective Counties (not being more than One in each Barony or Half Barony) where, and certain Times when, Special Sessions shall be successively holden previous to the next Assizes for such Counties respectively for the Purposes of this Act, as herein-after set forth; and such Presentment shall appoint the last Meeting of such Special Sessions to be holden at the County Court House, and direct all Applications for Works, the Expence whereof it may be by such Applications proposed to levy off the County at large, or off the Barony or Half Barony, or any Portion thereof, in which such County Court House may be situate, to be made thereat; and all Applications for Works, the Expence whereof it may be proposed as aforesaid to levy off any other Barony or Half Barony, or Portion thereof, to be made at such previous Meeting of Special Sessions as shall be holden in and for the same Barony or Half Barony; and such Presentment shall appoint and define such Baronies and Half Baronies accordingly; and it shall also be lawful for the Grand Jury at every such Assizes to direct by Presentment what Number of Copies of the Schedules of Applications to be made at such Sessions shall be printed and distributed to the Secretary of the Grand Jury previous to the next ensuing Assizes.

Only One such
Sessions to be
appointed in
Towns.

IV. And be it enacted, That the Grand Jury for any County of a City or County of a Town shall appoint One such Special Sessions to be holden in the same for the Purposes aforesaid, and that all Applications for Works, the Expences whereof are to be levied off such County of a City or Town, shall be made thereat.

High Constables and Collectors to make Returns to be laid before Grand Jury.

V. And for the Purpose of enabling the Grand Jury to prepare such List of Cess Payers as herein-after mentioned, be it further enacted, That every High Constable, or other Collector of Money levied by Grand Jury Presentment, shall make a Return, on the Day when the Grand Jury shall be first impannelled at each Assizes, to the Secretary of the Grand Jury, of a List containing the Names and Places of Residence of the One hundred Persons in each Barony or Half Barony in each County, if so many there be who shall have been charged with and shall have paid the highest Sum or Sums for the County Cess Charge or Grand Jury Rates for and in respect of any Lands within such Barony or Half Barony, and stating the Arrears, if any, which shall be due by each Individual; and that on the Receipt of such Return by the Secretary, such Secretary shall immediately lay the same before the Grand Jury.

VI. And

VI. And be it enacted, That every such Grand Jury as aforesaid shall at each Assizes fix and determine the Number of Persons, not being more than Twelve nor less than Five, paying Grand Jury Cess, and resident within such Barony or Half Barony, Baronies or Half Baronies respectively, or in the actual Occupation of Land therein, proper, with reference to the Extent and Circumstances of such Barony or Half Barony, to be associated with the Justices at the Special Sessions to be holden therein for the Purposes of this Act, and shall make out a List of Double the same Number of Persons, with their Additions and Abode, who, not being Justices of the Peace qualified under this Act, shall have paid the highest Amount of Grand Jury Cess under the last previous Applotment in each such Barony or Half Barony respectively, and the Secretary of the Grand Jury shall deliver or cause to be delivered to each of the Persons included in such List a Copy thereof, and shall also deliver a Copy thereof to the Justices assembled at each Special Sessions to be held under the Provisions of this Act.

Grand Jury to determine Number of Rate Payers to be associated with Justices at Special Sessions.

VII. And be it enacted, That the Grand Jury of each County of a City or Town, or County and City, shall in like Manner determine the Number of Cess Payers proper to be associated with the Justices at the Special Sessions to be holden therein, and prepare a List of Double the same Number, not being Justices qualified under this Act, of Persons having paid the greatest Amount of Grand Jury Cess as aforesaid, and that such List shall be delivered and dealt with in all respects as Lists prepared in any County at large.

Grand Jury to determine Number of Cess Payers to be associated with Justices at Special Sessions.

VIII. And be it enacted, That at every Meeting of such Special Sessions the Majority of the Justices qualified under this Act present thereat shall choose one of their Number to preside thereat, and that when only Two Justices shall be present the senior of them shall preside, and that when only One Justice shall be present such Justice shall preside; and such Chairman shall have a casting Voice in case of an Equality of Voices, but shall not vote except in case of such Equality; and immediately after the Appointment of such Chairman, and before entering upon any other Business, the Name of every Person included in the List of Cess Payers, prepared in manner before appointed for each Barony or Half Barony in which such Sessions shall be held, or, in the Case of any County of a City or Town, prepared for the same, written upon separate Pieces of Parchment or Card as nearly as may be of equal Size, with his respective Additions and Abode, shall be put into a Box, to be, as well as the said Pieces of Card or Parchment, for that Purpose provided by the Secretary of the Grand Jury, and the Chairman appointed to preside at each such Sessions shall in open Court draw out, one after another, such Number of the said Cards or Pieces of Parchment as the said Grand Jury may have fixed and determined to be the proper Number of Cess Payers to be associated with the said Justice or Justices at each such Sessions respectively; and if any of the Men whose Names shall be so drawn shall not appear, then such and so many more of such Cards or Pieces shall be drawn as may be necessary, until the Number of Cess Payers appointed as aforesaid to be associated with the said Justice or Justices shall be completed; and such Number of the said Cess Payers so first drawn and appearing, or such lesser Number of them as shall appear when drawn, shall be associated with the said

Magistrates to choose a Chairman, and then to select by Lot the Number of Cess Payers to be associated with them.

Justice

Magistrates and
Cess Payers to
take an Oath.

Form of Oath.

Justice or Justices, and have and exercise jointly with such Justice or Justices all such Power and Authority in the Business of such Special Sessions as by this Act conferred upon any Meeting of such Special Sessions: Provided always, that the Cess Payers associated in manner aforesaid with the Justice or Justices at the Special Sessions holden in the County Court House shall, save and excepting the Cess Payer first drawn and appearing as herein-after mentioned, have no Voice, Power, or Authority in respect of any Applications the Expence whereof it may be proposed to levy off the County at large, but only in respect of those Applications the Expence whereof it may be proposed to levy off the Barony or Half Barony, or Portion thereof, wherein such Court House may be situate: And provided further, that the Cess Payer first drawn, and appearing at each of the divisional Special Sessions to be holden in and for each Barony or Half Barony, shall be associated with the Justices at the Special Sessions holden in the County Court House, and have and exercise jointly with such Justices all such Power and Authority as by this Act conferred upon such Special Sessions in respect of so much of the Business of such Special Sessions as shall relate to the County at large, but no further; and every Justice, and Cess Payer associated with such Justice or Justices in manner aforesaid, shall, previously to acting at any such Sessions as aforesaid, take and subscribe in open Court the Oath herein-after following; which Oath any one of such Justices, or the Secretary of the Grand Jury, is hereby authorized and required to administer; (that is to say,)

‘ I A. B. of [here insert the Name and Addition and Place of Abode of the Justice or Cess Payer taking such Oath], do swear, That I will truly, faithfully, and impartially do and perform all such Acts, Matters, and Things as I am authorized to do and perform by and under the Provisions of an Act passed in the Fourth Year of the Reign of His Majesty King *William* the Fourth, intituled [here set out the Title of this Act], and that I will, without Favour, Affection, Hatred, or Malice or Ill-will, diligently inquire into and impartially and indifferently judge and determine, according to the Evidence and to the best of my Judgment and Ability, upon the several Applications and other Matters which may be brought before me under the Authority of the said Act.

‘ So help me GOD.’

And the Chairman at each such Special Sessions shall and is hereby required to make out and deliver to the Secretary of the Grand Jury of the same County a List of the Names of all the Justices and Cess Payers who shall have taken and subscribed such Oath at the Sessions where he had presided; and every such Secretary shall from Time to Time, without unreasonable Delay, deliver the said List, and all the Oaths so made and subscribed, to the acting Clerk of the Peace, to be by him preserved among the Records of the same County: Provided always, that if at any such Special Sessions One Justice at the least and Two Cess Payers duly qualified under this Act shall not be present, such Sessions shall adjourn until the Day next succeeding, unless such Day shall be a *Sunday* or *Christmas Day* or *Good Friday*, and so on *de die in diem*, until some One such Justice and Two Cess Payers shall attend; and provided further, that it shall be competent for any One such

Justice and Two Cess Payers to hold such Special Sessions, and to do all Matters and Things authorized to be done thereat, any thing in this Act contained to the contrary notwithstanding

IX. And be it enacted, That all Notices required by this Act shall be promulgated by Advertisements affixed on or immediately adjacent to the Doors of every Church, Chapel, and Roman Catholic, Presbyterian, and Dissenters House of Worship, and at the usual Places of posting Notices within each and every Parish.

Places for fixing
Notices.

X. And be it enacted, That a Notice in Writing of every Application intended to be made at any such Special Sessions as aforesaid shall be posted by or on behalf of the Person or Persons intending to make such Application, at the Places aforesaid, within such Parish wherein the Work to which such Application shall relate is proposed to be executed, between the Hours of Eight of the Clock in the Forenoon and Four of the Clock in the Afternoon on the *Saturday* next but One previous to the first Day appointed for holding such Special Sessions.

Notices of Ap-
plications to
Special Ses-
sions.

XI. And be it enacted, That all Applications for the Purposes herein-after mentioned shall, any thing herein-before contained to the contrary notwithstanding, be made at the Special Sessions holden for the Barony or Half Barony in which the Works included in such Applications may be locally situate; (that is to say,) all Applications for lowering any Hill or filling up any Hollow, or both, on any Post or other Road leading directly from one Market Town to another Market Town, or from any Market Town to the Sea, and for making the Road thereon with Stones and Gravel, or for building, rebuilding, repairing, altering, or enlarging any Bridge, Pipe, Arch, or Gullet, built of Stones or Bricks or Wood, under or on any Road, or filling or gravelling over any such Bridge, Arch, Pipe, or Gullet, or in building or repairing any Wall or Part of a Wall necessary to the Support of any Road, or to prevent any steep Banks of Earth from falling upon any Road, or in erecting any Fence, Railing, or Wall for the Protection of Travellers from dangerous Precipices or Holes lying on the Side of any public Road; and provided further, that in case the Amount of the Sum or Sums of Money required for any such Purposes as aforesaid shall not exceed Twenty Pounds, it shall, from and after the Commencement of this Act, be lawful for the Grand Jury to present the same to be raised off any Barony or Half Barony in which the same may be locally situate, any Act or Acts directing such Sum or Sums of Money for the Purposes aforesaid to be raised off the County at large to the contrary notwithstanding.

Applications for
Presentments
for Bridges,
Gulleys, lower-
ing Hills, filling
up Hollows, &c.
shall be made
at the Divi-
sional Special
Sessions.

XII. And be it enacted, That the Applications for any Works which it is proposed to charge upon Two or more Baronies or Half Baronies, or any Portion thereof, of any County, but not upon the County at large, shall and may be made at the Special Sessions holden for the Barony or Half Barony off which or off any Portion of which it is proposed that the larger Portion of the Expence of such Work is to be raised, without making the same at the Special Sessions for each of such Baronies or Half Baronies.

Applications for
Works to be
made at Special
Sessions.

XIII. And be it enacted, That every such Application shall be lodged with the Secretary of the Grand Jury Ten Days at least before the first Day appointed for the holding of the Special Sessions whereat such Application is to be made; and such Secretary

Applications to
be lodged with
the Secretary of
the Grand Jury.

Secretary to
arrange and
number them.

is hereby required to keep an Office open for the Purpose of receiving such Applications during Fifteen Days immediately preceding the last Day upon which such Applications are required to be lodged with the Secretary, and the said Applications shall be open to public Inspection without Fee or Reward; and such Secretary shall, on the Receipt of each Application, indorse or cause to be indorsed thereupon the Time when the same is lodged, and number and arrange all such Applications as the Works therein comprised may be proposed to be defrayed by the County at large, or by any Barony or Half Barony or Portion thereof, and shall make an Abstract thereof, and an Index thereto referring to the Numbers which he shall mark on each Application; and such Secretary shall produce and deliver all the Applications which shall have been lodged with him or delivered at his Office as aforesaid respecting the Execution of any Work which it may be proposed to defray at the Expence of the County, or Barony or Half Barony or Portion thereof, defined as aforesaid, at every such Sessions which shall be respectively held for the Consideration of the same, together with the Abstract thereof and the Index thereto.

No Affidavit
necessary to
Presentments.

Manner in
which Applica-
tions are to be
made.

XIV. And be it enacted, That from and after the Commencement of this Act no Affidavit shall be necessary (save as by this Act otherwise provided) to enable any Grand Jury to make any Presentment for any public Work, and that Applications made and approved in the Manner herein-after mentioned shall have the like Force and Effect as such Affidavits to empower any Grand Jury to make Presentments for the Purpose therein respectively specified, any Act or Acts to the contrary hereof notwithstanding: Provided always, that such Applications shall be for such public Works or other Matters as it now is upon such Affidavits or may hereafter become lawful or competent for any Grand Jury to make Presentment, and that each such Application be made in manner herein-after appointed; (that is to say,) such Application shall be made by Two Persons paying Grand Jury Cess, and shall set out the Title of the Act authorizing such Presentment, with the Year of the King's Reign, Chapter and Section, as printed by His Majesty's Printer, and shall specify whether the Money proposed to be raised thereunder is to be levied off the County at large, or some and what Barony or Half Barony or other Denomination of Land thereof, and shall be made in some one of the Forms marked (A.) (B.) (C.) (D.), and so forth, in the Schedule to this Act annexed, when any of such Forms may be found fitting and suitable, and shall be signed by the Two Persons making such Application with their own proper Hands; and it shall not be lawful, save as herein-after provided, for the Secretary to the Grand Jury to receive any Application which shall not be made in Manner and Form herein appointed.

Applications to
be examined
and approved or
rejected at
Sessions.

XV. And be it enacted, That at the Special Session to be holden as herein-before provided the Justice or Justices, and Cess Payers associated with such Justices in the Business of such Special Sessions, shall and they are hereby authorized and required to take into consideration all such Applications as may be made and laid before them by the Secretary of the Grand Jury in manner aforesaid, and to examine into the posting or serving of the Notices of all such Applications, and the Merits of the same, and the Conformity thereof with the Provisions of this Act; and the said Justice or Jus-

tices

tices and Cess Payers shall, after such Examination, decide by Majority of Voices upon every such Application, and whether the same ought to be adopted or rejected, and whether wholly or in part, and what Modification thereof may be proper; and if such Justice or Justices and Cess Payers shall approve of any such proposed Work, either wholly or in part, or of any Modification thereof, they shall, save in the Case of Applications herein-after otherwise provided for, direct the County Surveyor to prepare a proper Form of Tender for the Execution of the same, together with such Specifications, Maps, Plans, Sections, or Elevations as may be necessary, expressing the Nature and Extent of such Works, and the Materials proper to be employed in performing and executing the same, and the Term within which such Work shall be completed, and such other Particulars as the said Special Sessions shall think fit to prescribe; and if such Application shall be for gravelling or repairing with small Stones any Road, then such Specification shall set out the Quantity of the Materials *per* Perch which it is desirable to make use of in such Repairs; and such Chairman shall indorse such Application accordingly with such Directions as the said Special Session shall think proper, and sign his Name thereto, and deliver all such Applications so indorsed to the Secretary of the Grand Jury; and such County Surveyor shall deliver such Form of Tender, Specifications, Maps, Plans, Sections, or Elevations in respect of the Work to which each such Application shall relate, as soon thereafter as the same can be conveniently prepared, to the Secretary of the Grand Jury; and the Justice or Justices and Cess Payers shall appoint the Manner in which Notice for the Receipt of Tenders and Proposals for the Execution of such Works shall be given, and the Period during which they shall be so received, and shall adjourn such Special Sessions until some Day previous to the next Assizes to be then holden for the opening of such sealed Tenders and Proposals, such Day not to be later than Twenty-one Days from the Day of such Adjournment.

County Surveyor to prepare a Specification, &c., and Form of Tender for Works approved.

Justices, &c. to direct how Notice to be given, and adjourn to a Day for opening Tenders and Proposals.

XVI. Provided always, and be it enacted, That in case satisfactory Proof be given upon Oath that any Person who shall have signed any Application in pursuance of this Act has since died, or is prevented by Sickness or any unavoidable Necessity from appearing at such Sessions, it shall be lawful for the Justice or Justices and Cess Payers thereat to examine upon Oath any other Person or Persons who shall have Knowledge of the Matter, and to decide upon such Application, any thing herein contained to the contrary notwithstanding.

In case of Death of Applicant, another Person may be examined.

XVII. And be it enacted, That the Secretary of the Grand Jury shall, upon being furnished by the County Surveyor with the Form of Tender for the Execution of any such Work as aforesaid, and the Maps, Plans, Sections, and Elevations belonging thereto, notify by public Advertisement, or otherwise in such Manner as such Special Sessions shall have directed, his Readiness to receive sealed Tenders and Proposals for the Execution of such Work during such Period as such Special Sessions shall have appointed for the Reception of the same, and the Time to which such Sessions has adjourned for the opening of such Tenders and Proposals, and that Forms thereof may be obtained at his Office; and such Secretary shall

Secretary of Grand Jury to give Notice of Works approved at Special Sessions, &c.

shall accordingly prepare a sufficient Number of Forms of such Tenders and Proposals, and furnish to any Person who shall demand the same a Copy thereof, receiving therefor the reasonable Cost of preparing the same; and each of such sealed Tenders and Proposals shall contain a Statement of the lowest Price at which the Party making such Proposal is willing to contract for the Performance of the Work or Works specified and described in such Notification, and shall be subscribed with the Name, Description, and Residence of the Party so desirous to enter into such Contract, and also the Names, Descriptions, and Residences of some Two other sufficient Persons willing to be bound jointly and severally with him in a penal Sum Double the Amount of the said Sum mentioned in such Tenders and Proposals for the due and faithful Performance of the said Contract within such Time and in such Manner as may be thereby prescribed; and all Maps, Plans, Sections, and Specifications relating to any such Work shall be open to public Inspection in the Office of such Secretary without Fee or Reward.

At adjourned Sessions, Tenders and Proposals to be opened, and Contract entered into with Party making lowest Proposal.

XVIII. And be it enacted, That at the Meeting of each such adjourned Special Sessions as aforesaid the Secretary of the Grand Jury shall in open Court produce, duly numbered and arranged, all the Tenders and Proposals which may have been delivered to him, and shall open consecutively all those relating to the same public Work, and so soon as the lowest Proposal made for the Performance of each such Work shall be ascertained the Party making such Proposal and his Securities shall be called; and if the said Party and his Sureties shall appear, and shall satisfy, upon Oath or otherwise, a Majority of the Justices and Cess Payers there present of the Sufficiency and Ability of each and every of them to answer and make good the Penalty herein-before specified for the Non-performance of such Contract, and shall thereupon enter into Security for the due Performance of the same, conditioned in such Penalty as aforesaid, such Proposal shall be accepted, and the Party making the same be declared entitled to execute the Work to which such Proposal may refer, if the same shall be presented by the Grand Jury; but that if the Party making such Proposal and his Sureties shall not appear when called, or shall fail to satisfy a Majority of the said Justice or Justices and Cess Payers present of their Sufficiency and Ability as aforesaid, or shall decline to enter into such Security as aforesaid, then and in such Case the Proposal of the Party making default as aforesaid shall be deemed null and void to all Intents and Purposes whatsoever, and the next lowest Proposal shall be ascertained and dealt with in the same Manner, and so on until the said Security shall be entered into, and the Contract shall be duly completed: Provided always, that if no Proposal shall be made in respect of any Work within the Time limited for receiving the same, the Application therefor shall be void and of none effect whatsoever; and provided further, that if the Grand Jury of the County at and for the Assizes then next holden shall not make any Presentment on the Application in respect of which any Contract shall have been made according to the Provisions herein-after mentioned, then and in such Case such Contract shall be null and void to all Intents and Purposes, any thing herein contained to the contrary notwithstanding.

If no Proposal made, Application to be void.

If no Presentment made, Contract to be void.

XIX. And

XIX. And be it enacted, That such Security so to be entered into by Contractors under this Act and their Sureties shall be a Recognizance to His Majesty, His Heirs and Successors, and of like Force, Validity, and Effect as other Recognizances made to the King's Majesty; and at such Sessions any Justice present is hereby authorized to take such Recognizance, and the Secretary of the Grand Jury shall prepare the same, and come provided therewith, so as to prevent Delay; and the Expence of preparing the same, not exceeding Two Shillings and Sixpence, shall be defrayed by the Party or Parties entering thereinto; and such Recognizance shall be preserved in Custody of such Secretary until the Condition of such Recognizance shall have been fulfilled, and shall then be delivered up to the Conusee or Conusees therein named, or to any Person by him or them duly authorized, to be cancelled.

Security to be
by Recognizance
to the King.

XX. Provided always, and be it enacted, That if any such Application made at Special Sessions as aforesaid shall be for making any new Road, or building any Bridge, or erecting, enlarging, repairing, or rebuilding any Gaol, Court House, Sessions House, or other House or Building, the Expence whereof shall exceed the Sum of Twenty Pounds, and if the Justice or Justices and Cess Payers as aforesaid shall approve of such Application, either wholly or in part, or of any Modification thereof, they shall direct the County Surveyor to prepare such Specifications, Maps, Plans, Sections, or Elevations as may be necessary, expressing the Nature and Extent of such Works, and the Materials proper to be employed in performing and executing the same; and the Chairman of such Special Sessions shall indorse such Application accordingly, and sign his Name thereto, and deliver such Application so indorsed to the Secretary of the Grand Jury; and such Secretary shall lay each and every such Application before the Grand Jury to be impanelled at the Assizes held next after such Application shall have been approved at such Special Sessions, to be certified by the Foreman thereof, who shall certify the same accordingly; but it shall not be lawful for the Grand Jury at such first Assizes held after the Special Sessions whereat such Applications herein-before described shall have been approved to make any Presentment thereupon.

Approved App-
lications for
making new
Roads, building
Bridges, &c.
where the Sum
shall exceed
20*l.* to be certi-
fied by Grand
Jury.

XXI. And be it enacted, That at the first Meeting of Special Session to be holden next after the Assizes at which such Application shall have been so certified as aforesaid for the same Barony or Half Barony, or for the County at large, at which such Application shall have been made, the County Surveyor shall lay the Specifications, Maps, Plans, Sections, or Elevations prepared as aforesaid in respect of the same before the Justice or Justices and Cess Payers assembled thereat, for their Consideration; and such Justice or Justices and Cess Payers shall and they are hereby authorized and required to examine such Specifications, Maps, Plans, Sections, or Elevations, and shall decide by a Majority of Voices whether the same ought to be adopted or rejected, or what Modification of such Specifications, Maps, Plans, Sections, or Elevations may be proper in respect of each such Application, and shall, if need be, direct the County Surveyor to alter or modify the same accordingly, and to prepare a proper Form of Tender for the Execution of such Works, expressing the Nature and Extent of such Works, and the Materials proper to be employed in performing and executing the

Special Ses-
sions holden
next after the
Assizes at which
such Applica-
tions shall have
been certified to
proceed with
same like other
Applications.

in Court, and cause to be administered, in manner and form heretofore practised according to Law, to each of the Persons composing the same, such Oath as has been or ought to have been heretofore administered to such Persons by the Judge of Assize; and the said Grand Jury shall then and thereupon be and become to all Intents and Purposes fully competent to the Exercise of all Functions of Grand Jurors whatsoever, save the making any Presentment for raising Money, or respecting public Works, or auditing Accounts, or such other Business of a Fiscal Nature as has been herein-before directed to be concluded before opening the Commission as aforesaid.

XXIX. Provided always, and be it enacted, That it shall and may be lawful for such Judge of Assize, upon a special Application to be to him for that Purpose made by the Grand Jury or otherwise, and upon Cause shown for granting the same, to order and direct that the Grand Jury shall and may transact, after and notwithstanding the Commission shall have been opened, any such Matter relating to Presentments for raising or accounting for Money, or public Works, or the Fiscal Concerns of the County, as may be stated in such Application; and by force of such Order such Grand Jury shall be and become competent to transact the same; any thing herein-before contained to the contrary notwithstanding.

except in Cases of special Application made to Judge of Assize, upon Cause shown.

XXX. And be it enacted, That each Grand Jury shall, for the whole Period during which they shall sit, be called over each Morning at sitting by the Foreman of such Jury, and at all other Times when the Number of Grand Jurors present shall be less than by Law required for the Performance of the Functions of a Grand Jury; and any Grand Juror who shall make default in his Attendance at any of such Times shall for every such Default incur a Penalty of Forty Shillings, and such Default shall be reported by the Foreman to the Judge of Assize; and unless the same shall be excused on the Ground of Illness, or other good and substantial Reason, to the Satisfaction of such Judge, such Fine and Penalty shall be by the said Judge confirmed and declared absolute, and recovered and applied in the same Manner as Fines and Penalties imposed on Jurors for any Defaults or Misbehaviour may now by Law be recovered and applied; and if the Foreman shall fail to call over the Jury at the Times heretofore appointed, or to report the Absence of any Juror upon such Call, he shall incur a Penalty of Ten Pounds for each such Default, to be in like Manner recovered and applied; provided that nothing herein contained shall limit or affect the Authority of any Judge to enforce the Attendance of any Grand Juror as such Judge may now enforce such Attendance.

Grand Jury to be called over at stated Times after opening of the Commission.

XXXI. And be it enacted, That the Grand Jury shall, upon being impanelled and sworn before the Sheriff as aforesaid, forthwith proceed to transact in open Court all such Business relating to Presentments for raising Money, public Works, Contracts, and the Fiscal Concerns of the County, as may be appointed for them, and to consider and decide upon all Applications which shall be made for Presentments, as herein-before provided, in the Order in which the same shall be entered in the Schedules thereof, to be prepared as aforesaid, beginning with the Applications for Works

Grand Jury, as soon as impanelled, to proceed with Fiscal Business, and to make or refuse Presentments on all Applications approved by Special Sessions.

to be defrayed by the County at large, and examining all Maps, Plans, Estimates, and Specifications relating to each Application; and the said Grand Jury shall be attended by their Secretary and by the Surveyor or Surveyors to be appointed as herein-after provided, and shall hear and receive and direct to be read aloud in open Court the several Reports and Certificates of such Surveyor or Surveyors, and shall have Power and Authority at their Discretion to receive and obtain all legal and pertinent Evidence which shall be tendered to them for or against the making any Presentment, or in anywise relating thereto, or concerning any public Work, or the Execution of the same, if made wholly or in part at the Expence of the County or any Portion of the County, or to any Contract of or in respect of any of the Matters aforesaid, and the said Grand Jury shall sit *de die in diem* until all the Business which may come before them of the Nature hereby directed to be dispatched before the opening the Commission shall be concluded, or until the Day appointed for opening the Commission shall arrive; and if the whole of such Business shall be concluded before such Day, then the said Grand Jury may adjourn to such Commission Day; and every such Grand Juror who shall not attend pursuant to such Adjournment shall be fined by the Judge of Assize for such Non-attendance in any Sum not exceeding the Sum of Fifty Pounds, at the Discretion of the said Judge.

Panel shall consist of One Freeholder or Leaseholder at the least from each Barony or Half Barony, having Lands therein of certain Value.

XXXII. And be it further enacted, That from and after the Commencement of this Act the Sheriff of each County shall and he is hereby required, in framing the Panel of Persons summoned to serve on the Grand Jury of such County at each Assizes, to observe the Rule herein after following; (that is to say,) he shall place first on such Panel the Name of some Person having Freehold Lands of the yearly Value of Fifty Pounds and upwards, or Leasehold Lands of the yearly Value of One hundred Pounds, over and above the Amount of Rent payable for such Leasehold Lands, within any one Barony or Half Barony of the same County, and, secondly, the Name of some Freeholder or Leaseholder having Lands of the like yearly Value respectively within any other Barony or Half Barony of the same County, and shall proceed in such Manner throughout all the Baronies and Half Baronies of such County, so that as far as can be One fit and competent Person shall be taken from each Barony and Half Barony, if such can be found therein respectively; and having in such Manner selected One fit and proper Person for each Barony and Half Barony, the Sheriff shall complete the said Panel in such Manner as now by Law authorized and directed; and the Persons taken from the Panel so framed shall be and constitute the Grand Jury or Inquest of such County; any thing in any Writ, Precept, or Venire facias expressed or directed, or any Law, Statute, Usage, or Custom to the contrary notwithstanding, and as if such Grand Jury were altogether composed of Freeholders.

Certain Officers not to serve on Grand Juries.

XXXIII. And be it enacted, That it shall not be lawful for any Person who shall be a Stipendiary Magistrate or Treasurer of the County, or Secretary of the Grand Jury, Surveyor or High Constable, or Collector of any Barony or Half Barony, or Clerk of the Crown, or Clerk of the Peace, to serve upon the Grand Jury at any Assizes or any Special Sessions to be holden under the Provisions of this Act for the County or County of any City or County of any

any Town within such County wherein he shall hold such Office, any Law, Usage, or Custom to the contrary in anywise notwithstanding.

XXXIV. And be it enacted, That such Grand Jury impannelled as aforesaid shall have Power and Authority to present any Work or Thing for which an Application shall have been so lodged as aforesaid, so as the same shall have been approved at the Sessions to be holden under this Act for the Consideration of such Applications, or to present such Part or Modification of the Work or Thing so applied for as may have been approved as aforesaid, or to reject such Application altogether, and to allow or disallow as such Grand Jury may think fit the Applications to be made by Contractors or other Persons, or for Payment of Salaries, as herein-after provided, either in part or in whole: Provided always, that no Applications for making any new Road, or building any Bridge, or erecting, enlarging, repairing, or rebuilding any Gaol, Court House, Sessions House, or other House or Building, the Expence whereof shall exceed the Sum of Twenty Pounds, shall be presented at any Assizes, unless it shall appear to the Court, by the Certificate of the Foreman of the Grand Jury at the preceding Assizes, that such Application had been laid before the Grand Jury at such preceding Assizes.

Power of Grand Jury to present or reject Applications.

XXXV. And be it enacted, That from and after the Commencement of this Act it shall not be lawful for any Grand Jury, any Law, Usage, or Custom to the contrary notwithstanding, to make a Presentment for any public Work whatsoever, or for raising any Money, for which an Application shall not have been lodged and approved at Sessions, either wholly or in part, as herein-before provided, save and except such Presentments as may be herein-after specially excepted, and also save and except such Presentments as may be necessary for the immediate Repairs of sudden Breaches or Damages in Roads, Bridges, Gulleys, Walls, or Buildings, which shall have happened so recently as not to admit of the proper Application having been made in manner before provided, which Fact, together with the Necessity for the immediate Execution of such Repairs, shall be proved before the Grand Jury upon Oath; and in such Case, although such Application as aforesaid shall not have been lodged or approved as aforesaid, such Grand Jury shall nevertheless have Power and Authority to present for such Repairs any Sum of Money in such Case necessary to be paid to the Surveyor or one of the Surveyors appointed under this Act, and to be by him expended, or so much thereof as may be necessary to be expended upon such Repairs, and accounted for at the next Assizes, in like Manner as before the passing of this Act the Overseer may have been required to account; and the Treasurer of the County shall, out of any Monies in his Hands available to the general Purposes of the County, advance to such Surveyor from Time to Time the Monies, not exceeding the Sum presented for such Repairs, which may be required therefor; and such Monies so advanced shall be replaced by the Monies raised and levied under the Presentment which the Grand Jury have been herein-before authorized to make for such Purpose.

Grand Juries not to make any Presentment for raising Money, unless an Application has been made and approved at the Special Sessions.

XXXVI. Provided, and be it enacted, That nothing in this Act contained shall be construed to limit or affect the Duty and Authority of Grand Jurors to make Presentments, pursuant to Orders of the Lord Lieutenant or other Chief Governor or Governors of

Saving of Presentments made pursuant to Order of the Lord Lieutenant, or to any

Act for the
Erection of
Prisons, or other
special public
Work.

Ireland, for Repayment of Monies advanced by his or their Order or Authority, nor to affect the Powers and Authorities or Duties imposed upon or belonging to any Person or Persons named in or appointed by virtue of any Act of Parliament now in force relating to the Erection or Maintenance of any Court or Sessions House, or Gaol or Prison, or other special public Work or Establishment, save and except that all the Presentments of and concerning the Matters aforesaid shall be transacted, together with the other Fiscal Business of the County, before the opening of the Commission at each Assizes : Provided nevertheless, that it shall and may be lawful for any Grand Jury at each and every Assizes to present, at any Time before they are discharged, such Sum or Sums of Money as shall be ordered by the Court to be paid to Witnesses for their Expences, and for the Transmission of Prisoners, as at present by Law directed.

Respecting the
Appointment of
County Sur-
veyors.

XXXVII. And be it enacted, That the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall from Time to Time appoint a Board of Three Civil or Military Engineers to act, without Salary or Emolument, in *Dublin*, who shall from Time to Time examine into and certify the Qualifications of all Persons desirous to act as Surveyors under this Act ; and such Lord Lieutenant or other Chief Governor or Governors shall appoint from Time to Time, out of the Persons so certified, One or more Surveyor or Surveyors to act, at the Salary or Salaries herein-after provided, for such County or Counties, as the said Lord Lieutenant or other Chief Governor or Governors shall think fit ; and it shall be lawful for the said Lord Lieutenant or other Chief Governor or Governors from Time to Time, at his or their Pleasure, to remove such Surveyors from County to County.

One Surveyor
may act for
Two contiguous
Counties.

Surveyors liable
to be dismissed.

XXXVIII. And be it enacted, That, with the Consent and Approbation of the respective Grand Juries, One Person may be appointed to act as a Surveyor for Two contiguous Counties ; and that all Persons appointed to act as Surveyors under this Act may be at any Time suspended or dismissed at the Pleasure of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or by the respective Grand Juries of such Counties ; and in such Case, and on every other Vacancy however occasioned, the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall forthwith appoint a Successor from and out of the Persons who shall be from Time to Time certified to be qualified as aforesaid ; and in case of Indisposition or other unavoidable Cause, proved on Oath to the Satisfaction of the Grand Jury or any Three Justices of the Peace, such Surveyor may depute another Person, duly certified as herein-before mentioned, to act for him, and such Deputy shall be removable in like Manner as his Principal.

Surveyor may
appoint Deputy
in case of Illness.

Salaries of the
County Sur-
veyors.

XXXIX. And be it enacted, That the Salary of each Surveyor to be appointed as aforesaid shall not exceed Three hundred Pounds *per Annum*, which Amount shall be inclusive of all Charges and Expences which each such Surveyor shall incur, except as herein-after provided, or to which he shall be liable in Performance of the several Duties to him prescribed under the Provisions of this Act ; and each Grand Jury is hereby authorized and required to fix the Amount of such Salary, not exceeding the Sum herein-before mentioned, and at each Assizes to present a Moiety of the Salary or Salaries of each Surveyor or Surveyors for such County for the Half Year

Year last passed, and Payment of the same shall be made accordingly; provided nevertheless, that in case the Grand Jury at any Assizes shall be of opinion that any Surveyor has been guilty of Neglect of his Duty or other Misconduct, such Grand Jury shall have Authority to direct the Salary of the Surveyor so neglecting his Duty or misconducting himself to be withheld, and shall report such Neglect or Misconduct to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*; and if the said Surveyor shall be, upon such Report, or at any Time, in any other Manner, or for any other Reason, dismissed from his Office, he shall forfeit, at the Discretion of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, the Whole or any Part of the Arrears of Salary due to him; and the same shall be applicable to the general Purposes of the County, in like Manner as other Monies from Time to Time arising in the Hands of the Treasurer.

XL. And be it enacted, That the Surveyor or Surveyors to be appointed as aforesaid shall attend at each Special Sessions to be held for the Reception of Applications for Presentments, and shall afford such professional Advice and Assistance in the Consideration thereof as may be required of him, and shall prepare Forms of Tenders and Proposals, Specifications, Maps, Plans, Sections, or Elevations of any Work approved thereat, and shall also attend upon the Grand Jury, and make to them a full and particular Report on all Applications for Presentments lodged with the Secretary as aforesaid, and the Necessity or Utility of the same, and on the Correctness of the Maps, Plans, Specifications, and Estimates prepared as aforesaid, and how far it may be expedient to alter, vary, or modify the Objects stated in such Applications; and the said Surveyor or Surveyors, or One of them, shall also report on all Applications on part of Supervisors and Overseers heretofore appointed, and on part of Contractors, and on the Progress and Execution of all public Works formerly presented, and on the Performance of all Contracts, and on the State, Repairs, Progress, and Condition of all Buildings, Roads, Bridges, Gulleys, Walls, or other Work; and the said Surveyor or Surveyors, or One of them, as the Grand Jury shall direct, shall audit all Accounts of such Works, and ascertain and certify the Correctness thereof, and whether each Contractor is entitled to Payment, and how far and whether such Contractor has conformed to the Provisions of this Act and the Laws in force in *Ireland*, and shall also report the Name and Description of all Persons by him prosecuted for any Nuisance or Injury to any Road, or any other Offence of like Nature, and the Result of such Prosecution, and the Proceedings therein, and generally on all Matters and Things relating to the Office of Surveyor, as appointed and created under this Act, or as may be given to him in charge by the Grand Jury.

Duty of Surveyors.

XLI. And be it enacted, That each such Surveyor shall be and is hereby invested with all the Powers and Duties heretofore belonging to or vested in the Conservators of public Works in *Ireland*; and no Conservators of public Works shall be appointed or continue to act in any County or Place after such Surveyor shall be appointed therein; and such Surveyor shall also be taken and deemed to be an Overseer of all or any and every public Work or Works within the County or Counties or Place for which he shall be appointed or act;

Surveyors to have Powers of Conservators and Overseers.

act; and the said Surveyor shall keep an Office open for his regular Attendance on Business in such Place as the Grand Jury shall appoint, and which they are hereby required and empowered to appoint; and the said Surveyor shall employ One fit and competent Person to be a Clerk in his said Office, who shall give regular Attendance in the said Office, and for whose Conduct the said Surveyor shall be at all Times responsible; and such Grand Jury is hereby authorized and required to present a Sum not exceeding Fifty Pounds in each Year to defray the Expence of such Office, and to pay the Salary of such Clerk, a Moiety whereof the said Grand Jury is authorized and required to present at each Assizes for the Half Year last past, and to pay the same to such Surveyor accordingly, subject always to the Provisions herein-before contained with respect to the Payment of the Salary of the said Surveyor.

Surveyors not to fill other Offices, nor take Fees, nor be interested in any Contract.

XLII. And be it enacted, That no such Surveyor shall be eligible or liable to serve or act on any Jury, nor to fill any other County Office whatsoever, nor be a Party to or interested in any Application for a Presentment, nor take or receive any Fee or Gratuity whatsoever from any Contractor or other Person engaged in any public Work, nor for any Matter or Thing in anywise appertaining to the Duty of such Surveyor, nor be or become in any Manner interested in any Contract for the Performance of any Work presented or to be presented to the Grand Jury, on pain of forfeiting his Office, with all Arrears of Salary then due to him; and every such Contract in which such Surveyor shall be or become in any Manner interested shall then and thereupon be and become absolutely void, and the Surveyor so interested shall forfeit Fifty Pounds, to be recovered, with full Costs of Suit, by any Person who shall sue for the same.

Grand Juries not to name Persons in Presentments by whom Works are to be executed.

XLIII. And be it enacted, That it shall not, from and after the Commencement of this Act, be lawful for any Grand Jury in making a Presentment for the Execution of any public Work to name or appoint therein any Person or Persons to execute the same, or to act as Overseer or Overseers thereof as hitherto accustomed, save and except in case of sudden Damage or Injury, under the Provision herein-before made in that Behalf, and also save and except in the case of any public Work the Cost whereof shall not exceed Five Pounds in the whole as herein-after provided; and the Office of Overseer or Overseers shall be and the same is hereby abolished, save as aforesaid; and all Works, save as aforesaid, which shall be presented by any Grand Jury shall be executed and performed by Contract made in manner herein-before provided; and the Functions of any Grand Jury shall, in respect of all Applications to be made to any Special Sessions under this Act, be limited to the Approval or Rejection of the same as approved or modified by such Sessions, and the Presentment or annulling thereof accordingly: Provided always, that no Servant, or any Person in the known Employment as Servant, of any Magistrate or Grand Juror, shall be eligible to undertake any Contract, or be appointed to act as Overseer, under this Act.

Office of Overseers.

All Works to be executed by Contracts.

XLIV. And be it enacted, That in the Case of any public Work the Expence whereof shall not exceed Ten Pounds in the whole, it shall and may be lawful for the Person or Persons making Application for the same to specify in such Application the Sum for which he

Works under 10l. may be executed by Applicant.

he or they are willing to undertake the Execution of such Works, subject to the conditional Presentment thereof; and it shall and may be lawful for the Justice or Justices and Cess Payers at Special Sessions, if such Application shall be approved thereat, at their Discretion, to authorize (any thing herein-before contained to the contrary notwithstanding) the Persons or either of them who shall have made Application for such Work to execute the same, in the Event of the same being presented by the Grand Jury, but not otherwise, at and for the Sum in such Application specified, and such Application shall be included in the Schedule of Applications laid before the Grand Jury, and dealt with in like Manner as any other Application included therein; and the Person or Persons so willing and desirous and so authorized to execute such Work shall be for all the Purposes of this Act deemed to have contracted for the same at such Sum, subject to the conditional Presentment thereof, and shall enter into the like Security and observe the like Regulations in all respects as Contractors under this Act, and make Application for Payment in like Manner.

XLV. And be it further enacted, That all Contracts which any Grand Jury may now or hereafter be authorized to make or enter into for the Repair of Roads, or for any other Purpose whatsoever, shall hereafter be made by sealed Tenders and Proposals, to be delivered, opened, and dealt with, and Security to be taken, in like Manner as herein-before provided with respect to Contracts for the Performance of Works comprised in Presentments to be made after the Commencement of this Act; the Amount of such Security in such Cases to be fixed by the Grand Jury, and stated in the Presentments for such Contracts: Provided always, that no such Contract shall be entered into, nor any Presentment made thereupon, save upon and after an Application made and approved at Special Sessions as herein-before provided; and provided further, that nothing herein contained shall extend to restrain or affect any Contract made or to be made with any Commissioners acting under Authority of Parliament in the Loan, Advance, or Grant of Exchequer Bills or Money.

All future Contracts which Grand Juries may enter into to be made, as herein-before provided, by sealed Tenders and Proposals.

XLVI. And be it further enacted, That all Printing and Stationery for which Grand Juries may be authorized to make Presentment shall be executed by Contract, to be made and entered into upon sealed Tenders and Proposals, to be delivered and dealt with as such Grand Juries may direct.

Maps, &c. to be executed by Contract.

XLVII. And be it enacted, That the Secretary of each Grand Jury shall provide and keep a Book in which he shall insert an Abstract of the several Contracts which now are or hereafter may be entered into by such Grand Jury, setting out the Names of the several Contractors, and the Places whence and to which each Road contracted for leads, and at what Milestone, Mearing, or noted Place each Road or Part of a Road under the Charge of such Contractor commences and ends, and the Number of Perches of Road included in each Contract, and the Rate *per* Perch at which each Contract has been entered into, and the whole annual Sum which each Contractor is to be paid, and the Period for which each Contract is made; and all such Contracts so entered in such Book shall be numbered; and every such Book shall have an alphabetical Index, referring to the Number of each Contract.

Secretary to keep a Book containing Abstracts of Contracts.

XLVIII. And

Surveyors to
make Maps of
Roads contract-
ed for.

XLVIII. And be it enacted, That the County Surveyor shall cause an accurate Map to be made, upon a Scale of Forty Perches to an Inch, of every Road or Part thereof for the Repairs of which any Contract shall be made after the passing of this Act, which Map shall mark the precise Spot where such Contract commences, and each Townland or other Denomination of Land through which such Road or the Part thereof contracted for passes, and where the same ends; and the Line of such Contract shall be in a different Colour from the rest of the Map, and the Houses and Names of the occupying Tenant on the immediate Sides of such Road, and the Bridges, Arches, or Pipes over Streams of Water crossing such Road, shall be marked thereon; and the Surveyor making such Survey and Map shall sign his Name at the Foot of such Map, and shall certify the Accuracy of such Survey and Map before some Justice of the Peace residing near to the same Road, who shall attest the same by his Signature; and all such Maps shall be lodged with the Secretary to the Grand Jury, and shall be numbered by him with the like Number as the Contract may be distinguished by in the Book of Abstracts herein-before directed to be prepared, and shall be preserved by him, and be produced when required by the Justices at their Special Sessions, or by the Grand Jury.

Advances may
be made to
Contractors in
certain Cases.

XLIX. And be it enacted, That in Cases where the Cost of executing any public Work shall exceed Twenty Pounds it shall be lawful for the Grand Jury, at the Time of presenting for the Work, to authorize the Treasurer of the County, from and out of any Funds in his Hands applicable to such Purpose, to advance to the Contractor One Half of the Cost of the Work; provided that it shall be certified by the proper Surveyor that more than One Half of the Cost of such Work has been fairly and honestly expended upon it conformably to the Contract, and that within the Period herein-before limited for lodging Applications for Presentments due Notice has been lodged with the Secretary of the Grand Jury of the Intention of such Contractor to apply for such Advance, and that such Application shall have been approved of by the Justice or Justices and Cess Payers at the Special Sessions to be holden for the Purposes of receiving Applications under this Act.

Contractors
liable to be
summoned
before Justices
at Petty Sessions
for Wages.

L. And be it enacted, That all Contractors under this Act shall be liable to be summoned before the Justices assembled at any Petty Sessions, on Complaint of the Party aggrieved, for Recovery of any Wages or Money payable to any Person employed by them in the Execution of such Works, so as the Sum demanded do not exceed Six Pounds; and such Justices assembled as aforesaid are hereby authorized and required to hear such Complaint and adjudicate thereon; and the Decision of such Justices shall be final; and the Sum adjudged to be due shall be levied by Warrant of Distress under Hand and Seal of any Two such Justices off the Goods and Chattels of such Contractor.

Contractors to
procure Certifi-
cate from
County Sur-
veyor of the
Completion of
Work, and to
lodge Notice
with Secretary

LI. And be it enacted, That every Person who may contract with any Grand Jury under this Act shall, on the Completion of the Work for which he may have contracted, or whensoever by the Terms of such Contract he may be entitled to Payment, give Notice to the Surveyor of the County, Ten Days at the least before the first Day of each Special Sessions at which he proposes to make Application, as herein-after provided, of such Intention, and require
of

of such Surveyor a Certificate of the due Execution of such Work or Performance of such Contract ; and such Contractor shall lodge with the Secretary of the Grand Jury within the Period herein-before limited for the Lodgment of Notices of Applications for Presentments a Notice of his Intention to apply for Payment of the Sum contracted for by him, together with such Certificates to be obtained from the said Surveyor ; and the Secretary to the Grand Jury shall arrange in like Manner as he has been herein-before directed to arrange Applications for Presentments all such Notices and Certificates, and annex to each the Number by which the Contract in respect whereof such Notice or Certificate may be given is distinguished in the Book of Abstracts which such Secretary has been herein-before directed to keep, and indorse on such Notice and Certificate the Date of the Lodgment of the same ; and such Secretary shall lay all such Notices and Certificates, with an Abstract thereof and Index thereto, before the Justice or Justices and Cess Payers assembled at the Special Sessions to be holden under the Provisions of this Act for the County or Portion thereof, so that in each Case Application for Payment may be made in the Barony or Half Barony, or some one of the Baronies or Half Baronies, in which such Work shall have been executed ; and the Justice or Justices and Cess Payers at such Sessions shall examine into all such Applications for Payment on the Part of such Contractors, and inspect the Notices thereof and the Certificates aforesaid, and examine the Surveyor or Surveyors and all other Persons whom they think it necessary to examine for the Purpose of ascertaining the due Execution of the Work or Matter contracted for, and shall therein have and exercise all such Powers and Authorities as in the Case of Applications for Presentments under this Act, and in like Manner determine and decide upon all such Applications for Payment by Majority of Votes ; and the Chairman at such Sessions shall on every Application which may be approved indorse the Word "Allowed," and on every Application which shall not be approved he shall indorse the Word "Disallowed," and the Reason of such Disallowance, and a Note of or Reference to the Particulars of the Execution of the Work which may have caused such Disallowance ; and all such Applications, with the Notices and Certificates thereto belonging, shall be delivered to the Secretary of the Grand Jury, to be laid before them at the next ensuing Assizes ; and such Grand Jury and the Court shall take such Application into consideration, and allow or disallow the same according to their Discretion, in like Manner as the Affidavits of Overseers have been heretofore allowed or disallowed : Provided always, that it shall not be lawful for such Grand Jury or Court to allow any Application which shall not have been approved of by the Justice or Justices and Cess Payers at such Sessions as aforesaid ; and no such Contractor shall be entitled to Payment who shall not have given such Notice and made such Application, to be approved and allowed as aforesaid ; any thing in any Contract contained, or any Law or Usage, to the contrary notwithstanding.

LII. Provided, and be it enacted, That it shall be lawful for any Person paying Grand Jury Cess to traverse, in manner in which Presentments have been heretofore traversed, at Assizes in *Ireland*, any Presentments made under this Act, and to traverse in like Manner

of Grand Jury of Application for Payment.

Secretary to make Schedule of Notices, and lay same before Justices at Special Sessions.

All such Applications to be made at Special Sessions, and if there approved, to be allowed or disallowed by Grand Jury according to their Discretion.

Applications of Contractors for Payment liable to Traverse.

Manner the Application of any such Contractor under this Act for Payment, on the Ground of such Contractor not having complied with the Terms of his Agreement or with the Provisions of this Act, or on the Ground of Irregularity in the Notice of Application; and the Court at each Assizes is hereby authorized and required to try the Truth of the Fact by a Jury in the same Manner as any Traverse within the Jurisdiction of the Court ought to be tried; and it shall not be lawful for the Clerk of the Crown or Clerks of the Peace, or any other Person, to take any greater Fee for or in respect of such Traverse than the smallest Sum which may be taken on any Traverse within the Jurisdiction of the Court; and Costs shall be paid by the Party against whom such Traverse shall be found; provided that although there shall be a Verdict against such Traverse, yet if the Court shall be of opinion that there was reasonable and probable Ground for traversing such Presentment or the Application of such Contractor, the Costs shall be paid by the Treasurer of the County from and out of the County Monies in his Hands, and the same presented accordingly.

Treasurer not
to pay until
Traverse de-
cided.

LIII. And be it enacted, That it shall not be lawful for the Treasurer of any County to pay any Money which may be applied for by any Contractor or other Person, the Application wherefor has been traversed, unless such Traverse shall be withdrawn, or Judgment given for the Defendant on the Trial thereof.

Surplus Monies
applicable to
general Purposes
of County.

LIV. And be it enacted, That any Balance, Arrears of or Surplus on the Salary of any County Officer, and all other such like Surplus and Balances of Money raised by Authority of this Act, or which may any how arise in the Hands of any County Treasurer, shall be applied and applicable to defray the Expences of any other public Works, or to pay any like Salaries, or to defray any other County Charge or Work, in such Manner as any Grand Jury may think fit to direct and appoint: Provided always, that such Sum shall be applied to the Credit of the County, Barony or Half Barony, out of which it shall have been originally levied.

Traverses of
Presentments.

LV. And be it enacted, That any Person intending to traverse any Presentment for which it is by this Act required that Application shall be made at Special Sessions shall give Notice in Writing of such Intention to the Chairman at the Special Sessions at which the Application for such Presentment is to be taken into consideration, and the same shall be traversed only at the Assizes at which the Presentment shall be made; and it shall be lawful for any Occupier or Owner of the Ground through which any new Road is to be made, or into which any old Road is to be widened, to traverse the Presentment for the same for Damages at such Assizes as aforesaid, having given Notice to the Secretary of the Grand Jury previous to the Commencement of such Assizes of the Amount of Damage intended to be claimed, which Traverse or Traverses shall be tried then or at the ensuing Assizes for such County, upon the Entry in the Crown Book of the Presentment and Traverse, without making up any Record; and the Jury which shall try such Traverse shall be sworn true Verdict to give whether any and what Damages will occur thereby to the Traverser, taking into consideration any collateral Advantages which may result or accrue to such Traverser by reason thereof, and making Abatement accordingly; and upon the Damages so found being presented for the Use of such Traverser,

verser, or deposited for his or their Use with the Treasurer of the County, it shall be lawful for the Contractor to proceed in the Execution of the Presentment without the Interruption of any Person; and it shall be lawful for the Grand Jury to present, at their Discretion, such Sum or Sums of Money so found for Damages, to be raised on the County or on the Barony or Half Barony respectively in which the Traverser shall have made it appear that he or she sustained the Damages, and to such latter Presentment no Traverse shall be allowed or received.

LVI. And be it enacted, That any Two Justices of the Peace in Petty Sessions assembled in any County may, under their Hands and Seals, order any Sum not exceeding Ten Pounds to be expended in repairing any Bridge or any public Road which may be suddenly damaged, provided it shall appear, upon the View of one or both of them, or that of the County Surveyor, that the Repairs of such Bridge or Road cannot be delayed till the next Assizes without Prejudice to the Public; and it shall be lawful for such Justices to appoint a proper Person or Persons to repair the same; and every Grand Jury of any such County is hereby empowered to present at the next Assizes the Sum so expended in repairing any such Bridge or Road which is liable to be repaired by the County at large, to be levied on such County at large, and any Sum so expended in repairing any other Road upon the Barony or Half Barony, or on the County of the City or Town wherein the same is situate, such Sum to be paid to the Person so appointed by such Justices upon his or their producing such Order under the Hands and Seals of the said Justices, as also a Certificate under the Hand of the County Surveyor that the Sum specified in such Order appears to have been faithfully and honestly expended pursuant thereto: Provided always, that no such Order shall be made by any Justices unless the Necessity of the same shall be notified to them by the County Surveyor in all Cases when the Attendance of such Surveyor can be readily procured; and provided also, that no Justice of the Peace shall make or sign more than One Order for the Expenditure of any Sum as aforesaid for the Reparation of the same sudden Damage between the Termination of one Assize and the Commencement of another.

Justices may order Sums for repairing sudden Damage of Roads.

LVII. And be it enacted, That all Weights and Measures mentioned in this Act, or used under any of the Provisions thereof, or referred to in any Presentment, shall be the Weights and Measures fixed and ordained by an Act passed in the Fifth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for ascertaining and establishing Uniformity of Weights and Measures*, any Law, Usage, or Custom to the contrary notwithstanding.

Computation of Quantity of Materials.

5 G.4. c.74.

LVIII. And be it enacted, That any Surveyor or Contractor under this Act shall have all such and the like Powers for the obtaining of Materials as any Overseer might have or exercise before the passing of this Act, and shall for such Purpose be deemed and taken to be in the Place of an Overseer; and any such Surveyor or Contractor by whom any Sum shall be paid for Damages committed in procuring Materials for the Execution of any Work shall make Application to the Justices and Cess Payers assembled at the Special Sessions to be holden in the same Barony or Half Barony in which such Work may be executed under this Act for the Consideration of

Power to get Materials.

Amount of Damages committed in procuring Materials to be applied for like other Presentments under this Act.

Present-

Presentments to be reimbursed the Amount so paid, giving like Notice of such Application as herein-before prescribed in Cases of other Applications; and the Justices at such Sessions shall examine into such Application, and for the Purpose of such Examination have and exercise all such Powers and Authorities as in the Case of other Applications for Presentments under this Act, and in like Manner shall approve or disapprove the same; and the said Application shall be delivered to the Secretary of the Grand Jury, to be laid before them at the next ensuing Assizes; and such Grand Jury shall have Power and Authority, in case such Application shall have been approved at such Sessions, but not otherwise, to make Presentment accordingly of the Amount of such Damages, to be levied off the County, Barony or Half Barony, or any Portion thereof, as the Case may be, chargeable with the Cost of executing such Work.

Every Presentment to contain a Reference to the proper Statutes.

LIX. And be it enacted, That on every Presentment for the levying of any public Money whatsoever the Year of the King's Reign, and the Chapter and Section of the Act of Parliament (as printed by the King's Printer) under which such Presentment is authorized to be made and fiated, shall be inserted on the Face of such Presentment; and every such Presentment shall be entered in the County Book and in all the Schedules of Presentment, with a marginal Note of such Acts in manner aforesaid; and the Title of each particular Act so referred to shall be inserted at the End of all such Schedules, in default of which it shall not be lawful to present for printing the same; and all Presentments not made according to the Directions foregoing shall be null and void.

All Works and Bridges under 45 G. 3. c. 43. to be performed by Contract.

LX. And be it enacted, That from and after the Commencement of this Act all such Roads or Bridges as any Grand Jury may be required or authorized to make, alter, fence, level, gravel, widen, or repair, or in which to cut down Hills or fill up Hollows, under or by virtue of any of the Provisions of an Act passed in the Forty-fifth Year of the Reign of His Majesty King George the Third, intituled *An Act to amend the Laws for improving and keeping in repair the Post Roads in Ireland, and for rendering the Conveyance of Letters by His Majesty's Post Office more secure and expeditious*, or any Power or Authority derived from such Act, or from such Act as amended by any other Act or Acts passed or to be passed, shall be made, altered, fenced, levelled, gravelled, widened, or repaired, and the Hills therein cut down, and the Hollows filled up, by Contract, in manner prescribed by this Act for the Performance of other public Works, and Presentments shall and may be made therefor accordingly; and it shall not be lawful for any Grand Jury to appoint any Overseer or General Overseer of any such Roads or Bridges: Provided always, that it shall be lawful to make Advances to any Contractor in like Manner as to any Overseer under the said Act, and that such Contractors shall be and are taken to be in the Place of such Overseers so far as may be compatible with the Nature of their Contract; and in all other Particulars, save as aforesaid, the said Act or Acts, and all Powers, Authorities, Conditions, Clauses, and Regulations therein contained, shall be and remain in full Force and Effect, any thing herein contained to the contrary notwithstanding.

LXI. And

LXI. And be it enacted, That from and after the Commencement of this Act it shall not be lawful for any Grand Jury to make Presentment for any Bridge conformably to a Proposal for Erection thereof under the Provisions of an Act of the *Irish* Parliament passed in the Nineteenth and Twentieth Years of the Reign of His Majesty King *George* the Third, intituled *An Act for empowering Grand Juries to present Bridges, and Tolls to be paid for passing the same, in certain Cases*, or of an Act passed in the Fifty-third Year of the Reign of His Majesty King *George* the Third, amending the last-mentioned Act, unless such Proposal shall have been first approved of at the Special Sessions to be holden under this Act for the Consideration of Applications for Presentments, and that all Proposals under the said Acts shall be made in the Form of such Applications, and lodged and dealt with, and Notice thereof given and posted, according to the Provisions herein-before contained with respect to such Applications; and that so much of the said last-recited Acts as direct Notice to be given in any other Manner be and the same is hereby repealed.

Grand Jury not to make Presentment for a Bridge conformably to Proposal under 19 & 20 G. 3. c. 41. (1.) unless first approved at Special Sessions, &c.

LXII. And be it enacted, That from and after the Commencement of this Act it shall not be lawful for any Grand Jury to make Presentment for the building, enlarging, repairing, or rebuilding any Court House or Sessions House unless an Application for such Presentment shall have been first made and approved of at the Special Sessions to be holden under this Act for the Purpose of considering Applications for Presentments; and that all such Applications in respect of any Court House or Sessions House shall be made and dealt with in like Manner and under like Regulations and Conditions as herein-before prescribed in respect of such Applications; and that it shall not be lawful for any Grand Jury to appoint Overseers of any such Court House or Sessions House so to be built, repaired, enlarged, or rebuilt, but that all such Works shall be executed by Contract made upon sealed Tenders and Proposals in manner herein-before prescribed with respect to such Works; provided that, save as aforesaid, nothing in this Act contained shall extend to repeal any of the Provisions of Two Acts made respectively in the Fifty-third and Fifty-fifth Years of the Reign of His Majesty King *George* the Third, providing Regulations for the building and repairing of Court Houses and Sessions Houses in *Ireland*, or of an Act passed in the Seventh Year of the Reign of His late Majesty, intituled *An Act for consolidating and amending the Laws relating to Prisons in Ireland*.

Grand Jury not to make Presentments for any Court House till Application has been approved of at Special Sessions.

7 G. 4. c. 74.

LXIII. And be it enacted, That it shall be lawful for the Grand Jury of any County to present for the holding of Petty Sessions an annual Sum not exceeding Ten Pounds for the Rent of a Room or Rooms, not being in a House where spirituous or fermented Liquors are sold, or in any Police Barrack, or in any other Building maintained either wholly or in part at the public Expence, provided that no such Presentment shall be made unless upon an Application made and approved at Special Sessions in like Manner as herein-before provided with respect to other Applications for Presentments under this Act.

Room for Petty Sessions.

LXIV. And be it enacted, That where any Fever Hospital has been or shall be established in any County, an Account of the Receipt and Expenditure of such Fever Hospital from the Time of

Accounts of Receipt and Expenditure of Fever Hospitals

to be delivered
before Money
presented.

its Establishment to the Time of the first Presentment required, and afterwards from the Time of each Presentment till the Time when any further Presentment is required, shall, together with any Application for any Sum proposed to be presented for the Support thereof, be laid before the Special Sessions to be holden under this Act for the Purpose of considering Applications for Presentments, and that no such Presentment shall be made unless such Account and Application shall be approved at such Special Sessions.

Presentments
for Infirmaries.

LXV. And be it enacted, That it shall not be lawful for any Grand Jury to present any Sum to be paid to the Treasurer of the Infirmary or County Hospital of any County, towards the Support and Maintenance of such Infirmary or County Hospital, unless, together with an Application for such Presentment, a Certificate under the Hand of the Physician or Surgeon of such Infirmary or County Hospital, stating the Number of Patients, as well exterior as interior, received and relieved from the Date of the preceding Presentment, and also a true Debtor and Creditor Account of the Funds and Expences thereof, commencing from the Date of the preceding Presentment, attested by the Signature of the Treasurer of such Infirmary or County Hospital, shall have been laid before the Special Sessions to be held under this Act for the Consideration of Applications for Presentments, and approved thereat.

Presentments
for Dispensaries.

LXVI. And be it enacted, That it shall not be lawful for the Grand Jury of any County to present any Sum of Money towards the Establishment or Support of any Dispensary unless a Certificate of the Sums of Money received by the Treasurer thereof from private Subscription or Donation since the Date of the last Presentment, and also the Number of Patients relieved, shall have been, together with an Application for such Presentment, allowed and approved of at the Special Sessions to be held under this Act for the Consideration of Applications for Presentments, and an Account of the Disbursements of all Monies raised by virtue of any such Presentment for such local Dispensaries, as well as all Monies so received from private Subscription or Donation since the Date of the last Presentment for their Use, shall be laid before the Justice or Justices and Cess Payers at the Special Sessions ensuing the Disbursement thereof; and it shall not be lawful to make any further Presentment in aid of such Dispensary unless such Account shall be allowed by the Justices at such Sessions; and all such Accounts shall also be laid before the Grand Jury at each Assizes: Provided always, that when any Fever Hospital shall be attached to any Dispensary, the Treasurer of the same shall separate the Accounts of the Receipts and Expenditure of each such Fever Hospital and Dispensary, and that the Application for Presentments for each shall be separate and distinct.

Presentment for
Salary of Sur-
geon to an
Infirmary.

LXVII. And be it enacted, That it shall not be lawful for any Grand Jury to present any Sum to be paid to the Surgeon of any Infirmary unless, together with an Application therefor, a Certificate, signed by the Governors of such Infirmary or Hospital, or by Five of them at the least, shall be laid before the Special Sessions to be holden under this Act for the Purpose of considering Applications for Presentments, which Certificate shall state that the Surgeon for whom such additional Salary is requested to be presented hath duly and faithfully executed his Duty as Surgeon of such

Infirmary or Hospital during the preceding Year, nor, where such Surgeon shall have been appointed subsequent to the passing of this Act, unless a true Copy, certified under the Hand of the Treasurer of such Infirmary or Hospital, of the Letters Testimonial from the College of Surgeons in *Ireland*, by Law required to be obtained by every such Surgeon, shall be laid before such Special Sessions, nor unless such Surgeon shall, if required, give his Attendance and professional Assistance without any other or further Fee or Reward to the Prisoners and others in the Gaol of the County to the Infirmery of which he has been appointed Surgeon, if such Gaol is situate within Five Miles of such Infirmary.

LXVIII. ' And whereas by a certain Act passed in the Parliament of *Ireland* in the Thirty-ninth Year of His late Majesty King *George* the Third it was amongst other things enacted, that the public Infirmery or Hospital of the County of *Waterford* should be erected or established in the Town of *Kilmar Thomas* in the said County, and certain Persons therein named, and their Successors for ever, were constituted into a Body Politic and Corporate, under the Name of "The Governors of the County of *Waterford* Hospital," but no such Infirmery or Hospital hath been since erected; be it therefore enacted, That so much of the said Act of the Thirty-ninth Year of the Reign of King *George* the Third as directs that the County Hospital or Infirmery of the said County of *Waterford* should be erected in the said Town of *Kilmar Thomas* be and the same is hereby repealed; and it shall be lawful to erect the Infirmery or Hospital of the said County of *Waterford* in any convenient and suitable Place within the said County or the County of the City of *Waterford*.

Waterford
County
Hospital.

LXIX. And be it enacted, That from and after the Commencement of this Act it shall not be lawful for any Grand Jury to present any Sum or Sums of Money for the Purpose of erecting, establishing, hiring, repairing, enlarging, rebuilding, or fitting up any Fever Hospital, nor for the Support of any Lunatic Asylum, or Ward or Wards for the Reception and Support of Idiots and insane Persons, nor for the yearly Allowance, Remuneration, or Superannuation of any Constable or Sub-Constable, nor for any Compensation or Salary to the Keepers of Gaols, Penitentiaries, and Bridewells, nor to Matrons nor Turnkeys employed therein, nor for the Payment of Baronial Constables appointed by any Grand Jury, unless Application for the same shall have been made and approved at the Special Sessions appointed to be holden under this Act.

Certain Presentments not to be made by Grand Jury unless approved of at Special Sessions.

LXX. And be it enacted, That in all Cases of maliciously and wantonly burning, demolishing, or pulling down any House, Out-house, Haggard, or other Building, or of the Robbery, burning, sinking, destroying, or otherwise injuring of any Corn, Turf, Merchandize, Store, Boat, Barge, Vessel, or other Property, or of maliciously houghing, cutting, maiming, or injuring of any Cattle, it shall and may be lawful for any Person or Persons injured by such Offence to exhibit and deliver to the Judge or Judges of Assize at the next Assizes to be held for the County, County of a City or Town, where any such Offence may have been committed, a Petition praying Compensation for the Loss or Damage occasioned by such Offence, and stating the Time and Place when and where such

Compensation for malicious Injuries to Property, how to be recovered.

Injury was done, the particular Property taken away, injured, or lost, and the Amount of the Damages thereby sustained, and by what Number of Persons, and whom by Name and Description, such Injury was done, if such Offender or Offenders shall be known, and if not, then stating such particular Descriptions of each such Offender as may be known; and the said Matter shall thereupon be examined by the Grand Jury, on the Oath of the Party so petitioning, and such other Evidence as can be produced, touching the Facts stated in such Petition; and the Grand Jury of such County, County of a City or Town, at the same or next Assizes or Presenting Term, shall and they are hereby required to present, to be raised off the County, or any Barony or Half Barony thereof, such Sum of Money as shall appear to be the Amount the Party petitioning ought to receive by way of Compensation for such Loss or Damage: Provided always, that Notice in Writing of every such Petition shall be lodged with the Secretary of the Grand Jury in like Manner and Time as Applications for Presentments are herein-before directed to be lodged; and a Copy of every such Petition shall be laid before the Special Sessions to be held under this Act in the Barony or Place where or next adjacent whereunto such malicious Injury may have occurred, and the Justice or Justices and Cess Payers assembled at such Special Sessions shall and may inquire into the Matter of such Petition, and the Chairman shall indorse their Opinion thereupon, and the Secretary of the Grand Jury shall deliver every such Copy of Petition so indorsed to the Judge of Assize to whom the Petitioner may apply; and it shall not be lawful for any Grand Jury to examine into the Matter of such Petition unless it shall appear to them that the same shall have been laid before such Special Sessions in manner herein-before directed: Provided always, that the Opinion of such Special Sessions shall not be binding or conclusive upon such Judge of Assize.

Method of
raising Com-
pensation for
malicious Injury
committed near
Boundary of
Two Counties.

LXXI. And be it further enacted, That in case such Robbery, burning, sinking, or other malicious Injury shall be committed on the Verge or within the Distance of Two Miles of the Boundary of any Two or more Counties, it shall and may be lawful to prefer one such Petition to the Judge or Judges of Assize at the next Assizes to be holden for either or any of such Counties, and it shall be lawful for such Judge or Judges of Assize to direct the Grand Jury of such County, if he or they shall so think fit, to examine into the Matter thereof, and to take such Proceedings thereon as aforesaid; and in case they shall find any Sum or Sums of Money to be due or payable as and for Compensation to such Party petitioning as aforesaid, such Judge or Judges shall have Power and Authority to apportion the Amount of such Compensation between such neighbouring Counties in such Proportions as they shall think fit, and certify the same accordingly; and the Grand Juries of such Counties respectively shall and they and each of them are hereby required, on the Production of the Certificate of such Judge or Judges declaring the Amount of Compensation to be paid on Foot of such Petition, and the Proportions in which the same shall be borne by the said neighbouring Counties, to present such Proportions of the Amount of such Compensation accordingly to be raised off such Counties, or any Barony or Half Barony thereof, and paid to such Party so petitioning, as the Case may require.

LXXII. And

LXXII. And be it enacted, That if any Person paying Grand Jury Cess shall be desirous of controverting the Matter of any such Petition, he shall be heard; and in case the Judge or Judges shall so think fit, he or they shall direct a Jury to be forthwith impannelled to try the Matter, and the Judge shall allow or disallow such Petition according as such Jury shall find the Matter to be; and in case they shall award any Compensation, the Sum so awarded shall be presented by the Grand Jury, as the Compensation to be paid, on Foot of such Petition, and Presentment made accordingly.

Cess Payers to be admitted to oppose Petition

LXXIII. Provided always, and be it enacted, That if any Property for which any Person shall have received Satisfaction by such Presentment as aforesaid shall be afterwards discovered or obtained, the Treasurer or Treasurers for the Time being of the County from which such Satisfaction has been received may have and recover such Property, and the same is hereby declared and enacted to belong unto and be vested in him or them for the Use of such County or Counties, in proportion to the Sums respectively presented and raised off the same, and such Treasurer may maintain in his own Name any Action and pursue any Remedy or Proceeding for the Recovery of such Property, or of Damages for the same, which the Person robbed might have had or maintained before such Satisfaction received by such Presentment; and such Property, when recovered, shall be sold or disposed of by such Treasurer, and the Money arising from such Sale, after deducting the Charges for the Recovery thereof, shall be applied by such Treasurer to the Use of the County, Barony or Half Barony, or County of a City or Town, by which such Satisfaction shall have been made.

If Property be recovered, Treasurer entitled to it for the Benefit of the County.

LXXIV. And be it enacted, That no Action or Suit against any Chief or other Magistrate, or any Inhabitant or Inhabitants of any Parish, shall be brought or prosecuted by the Party so petitioning as aforesaid for the Recovery of any Satisfaction or Damages sustained by reason of any Offence for which Compensation may have been obtained under the Provisions herein-before contained: Provided always, that although such Petition as aforesaid may have been preferred, it shall nevertheless be lawful, if the same shall be disallowed, for such Person or Persons injured by such Offence as aforesaid to seek for Satisfaction and Damages by all such Ways and Means as authorized or directed by an Act passed in the Parliament of Ireland in the Twenty-third and Twenty-fourth Years of the Reign of His Majesty King George the Third, intituled *An Act for the more effectually punishing such Persons as shall by Violence obstruct the Freedom of Corn Markets and the Corn Trade, or who shall be guilty of other Offences therein mentioned, and for making Satisfaction to the Parties injured*, or any other Act or Acts in force in Ireland, any thing herein contained to the contrary notwithstanding.

No Action to be brought where Compensation obtained under this Act; but where not obtained, Party injured to have all other legal Remedies.

23 & 24 G. 3. c. 20.

LXXV. And be it enacted, That all Applications for Fees, Poundages, or other Contingencies or Payments whatsoever, save and except fixed annual Salaries, for which Grand Juries now are or hereafter may be authorized by Law to make Presentments, shall, with a full Detail of the Particulars and Amount thereof, be lodged with the Secretary of each Grand Jury Six clear Days at the least previous to the Day to be appointed under the Provisions of this Act for impannelling such Grand Jury; and such Secretary shall

Applications relating to Salaries and Contingencies to be lodged with the Secretary.

insert in Writing an Abstract of such Applications at the Foot of the proper Schedule which he is required to deliver to the Foreman of the Grand Jury, and also at the Foot of the Copy which he is required to keep in his Office for the Inspection of the Public: Provided always, that such Presentments for Fees, Poundage, or other Contingencies or Payments, the Particulars and Amount whereof cannot be ascertained so as to allow of their being specified when the Application therefor shall be lodged with the said Secretary at the Time aforesaid, may be made by the Grand Jury, although such Particulars and Amount shall not have been so specified.

Recovery of
Sums assessed.

LXXVI. And be it further enacted, That the Sum or Proportion of the Money to be raised off each Barony or Half Barony or County of a City or Town under the Treasurer's Warrant, duly apportioned for every Person or Individual to pay, shall be due and payable by every such Person, his Executors or Administrators, upon Demand, and shall and may be not only levied by Distress as heretofore by Law provided, but shall and may be recovered by Civil Bill to be brought and prosecuted in the Name of such Treasurer at any Time within Twelve Months from the making of such Apportionment: Provided always, that before it shall be lawful for any Grand Jury to present any Sum of Money as unpaid or in arrear out of any Barony or Half Barony, County of a City or Town, to be raised and levied on such Barony, Half Barony, County of a City or Town, it shall be made to appear by Affidavit to such Grand Jury that such Sum is actually in arrear and unpaid by such Barony, Half Barony, County of a City or Town.

General Issue
may be pleaded.

LXXVII. And be it enacted, That if any Person shall be sued, molested, or troubled for putting into execution any of the Powers contained in this Act, or for doing any Act, Matter, or Thing pursuant thereto, such Person shall and may plead the General Issue, and give the special Matter in Evidence, and may avow the taking any Distress on the acting Treasurer and Justices Warrant merely, without going into other Title or Authority; and if the Plaintiff or Plaintiffs shall be nonsuited, and Judgment given against him, her, or them, upon Demurrer or otherwise, or a Verdict pass for the Defendant or Defendants, or a Dismiss upon a Civil Bill, such Defendant or Defendants shall have his, her, or their Treble Costs, to be recovered by such Method and Manner whereby Law Costs are given to Defendants; and that the solemn Affirmation or Declaration of a Quaker shall be adjudged and taken to be of the same Force and Effect, to all Intents and Purposes, in any Case where by this Act an Oath is required to be taken, as if such Quaker had taken an Oath in the Form prescribed or in the usual Forms.

The Party dis-
training not to
be a Trespasser
in consequence
of Irregularity.

LXXVIII. And be it enacted, That when any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Default or Want of Form in any Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any subsequent Irregularity on the Part of the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the special Damages in any Action on the Case.

LXXIX. And

LXXIX. And be it enacted, That it shall not be lawful for any Justice of the Peace, or any other Person, to demand or take any Sum of Money or any Reward for swearing any Affidavit to be made by virtue of this Act.

Justices not to take Money for Affidavits.

LXXX. And be it enacted, That after the passing of this Act it shall not be lawful for any Person holding the Office of Secretary of the Grand Jury to be at the same Time Clerk of the Peace or Treasurer of the County; and in case the Secretary of the Grand Jury shall at any Time refuse or neglect to perform any of the Duties imposed upon him by the Provisions of this Act, such Secretary, being convicted thereof before the Judge of Assize, shall for such Refusal or Neglect forfeit any Sum not exceeding Fifty Pounds, at the Discretion of such Judge.

Secretary of Grand Jury not to be a Clerk of the Peace or Treasurer of the County.

Penalty.

LXXXI. And be it enacted, That in case any Person or Persons shall resist or make forcible Opposition to any Person or Persons employed in the Execution of this Act, or shall assault any Surveyor or Deputy Surveyor, Collector, Supervisor, Overseer, Contractor, or Peace Officer in the Execution of this or any other Act for the making or repairing of High Roads, or shall make or attempt to make any Rescue of Goods distrained or seized by virtue of this or any other such Act, or if any Constable or Sub-Constable shall refuse or neglect to execute any Warrant granted by any Justice of the Peace pursuant to any Power by this Act created, every such Person offending therein, and being convicted thereof before any Two Justices of the Peace at Petty Sessions, by the Oath of One credible Witness, shall for every such Offence forfeit any Sum not exceeding Ten Pounds nor less than Forty Shillings, at the Discretion of such Justices; and in case the same shall not be paid, such Justices are hereby empowered and required to commit such Offender to any Gaol, Bridewell, or House of Correction for any Time not exceeding Three Months, or until the said Forfeiture shall be paid.

Penalty for assaulting or resisting Persons acting under this Act.

LXXXII. And be it enacted, That if any Person shall wilfully swear or affirm falsely in any Oath or Affirmation made or taken by Authority or under any of the Provisions of this Act, every such Person being thereof convicted shall be adjudged guilty of wilful and corrupt Perjury, and incur the Pains and Penalties in such Case by Law provided; and it shall and may be lawful for any Grand Jury, without any previous Application to Special Sessions, to make such Presentments for defraying the Prosecution of such Delinquent as to them may seem fitting and expedient.

False swearing punishable as Perjury.

LXXXIII. And be it enacted, That the several Sums of Money in this Act mentioned shall be deemed to be the present lawful Money of *Great Britain and Ireland*; and that the Schedules annexed to this Act shall be deemed and taken to be Part thereof, and that the Forms therein contained, and none other, shall be made use of in all Cases to which such Forms shall be applicable: Provided always, that it shall and may be lawful to erase or alter any Words in such Forms so as to make them applicable to any particular Case, without materially altering the Substance, but no further.

Money to be the present Currency. Schedules Part of the Act.

LXXXIV. ' And whereas by an Act of the Parliament of *Ireland* passed in the Twenty-seventh Year of the Reign of His Majesty King *George the Third*, intituled *An Act for the Preservation of the Game*, it is, amongst other Things, enacted, that

27 G. 3. c. 35.

So much of recited Act as relates to Rewards for destroying Vermin repealed.

A Half Barony to be deemed a Barony.

Baronies, &c. may be divided.

Money heretofore paid to Collector of Excise to be disposed of under Direction of the Treasury.

Commencement of Act.

Presentments made before Commencement of this Act to be accounted for under
59 G. 3. c. 34.

‘ any Person or Persons who shall take, kill, or destroy certain
‘ Vermin therein described shall receive for each and every of the
‘ same so destroyed a certain Sum therein specified ; which said
‘ several Sums, on Proof being made in Form and Manner therein
‘ described, each and every Grand Jury at the General Assizes are
‘ thereby required to present, to be levied in the usual Manner on
‘ the County, and paid to the Persons entitled to the same : And
‘ whereas it is expedient that such Provisions should be repealed ;
‘ be it therefore enacted, That so much of the said recited Act as
relates to the Presentment of any Money to any Person for killing
or destroying Vermin as afore recited shall be and the same is
hereby repealed.

LXXXV. And be it further enacted, That every Half Barony shall be considered and deemed a Barony within the Meaning of this Act ; and that wherever the Word “ County ” shall occur in this Act, the same shall be deemed and taken to include and import any County at large, or County of a City or County of a Town and City, or City or Town and County, unless the contrary thereof shall be expressed, or that such Construction shall be inconsistent with or repugnant to the Context.

LXXXVI. And be it further enacted, That it shall and may be lawful for the Grand Jury of any County, by Presentment, to divide any Barony or Half Barony thereof into One or more Subdivisions, each whereof shall for the Purposes of this Act, and for all Purposes relating to the presenting, raising, and levying of Money for any Matter or Thing for which Presentment may be lawfully made by Grand Juries, be deemed and taken to be a Barony or Half Barony, as such Grand Jury shall present the same.

LXXXVII. And be it further enacted, That in all Cases where by any Act or Acts now in force the Treasurer of any County may be authorized or required to pay any Money to any Collector of Excise or other Person, to be by him accounted for as Public Money, the same shall, from and after the passing of this Act, be paid and payable to such Bank or Person and in such Manner as the Lord High Treasurer, or the Lords Commissioners of His Majesty’s Treasury, or any Three of them, shall from Time to Time think fit to direct and appoint.

LXXXVIII. And be it enacted, That this Act shall, in so far as respects the Appointment by the Grand Jury of Special Sessions to be held under this Act, commence and take effect from and after the First Day of *January* next, and in so far as respects the other Provisions of this Act shall commence and take effect from and after the First Day of *May* in the Year One thousand eight hundred and thirty-four, and not sooner : Provided always, that all Presentments and Contracts made, or Money to be levied, accounted for, or paid, under or in consequence of the said recited Act of the Fifty-ninth Year of the Reign of His Majesty King *George* the Third, at any Time before the Commencement of this Act, shall be levied, accounted for, and paid in manner provided by the said recited Act, and subject to the Rules, Regulations, and Provisions therein contained ; and provided also, that nothing herein contained shall be construed to affect, alter, or abridge the Powers, Duties, and Liabilities of any Supervisor, or of his Deputy or Deputies, or of his Heir or Executor, or of any Overseer or other Person, vested in

or exercised by him or them under the Provisions of the said recited Act, as far as respects the Completion of any Work or Works so presented and begun and entered upon at any Time before the Commencement of this Act.

LXXXIX. And be it further enacted, That this Act may be amended, altered, or repealed in this present Session of Parliament.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A. 1.)

Form of Application for opening a new Road.

County of } We, of and
 } of do certify, That in our Opinion it would
be useful to open a new Line of Road from
to between and in the
Baronies of in this County, and that Presentment
for such Purpose may be made under and by virtue of the
Section of the Chapter of [*here set out the Reign*], being
an Act for [*here set out the Title of the Act*]; and we propose that
the Expence of same shall be defrayed by the County at large [*or*
Barony or Half Barony of].

(Signed) *A.B.*
C.D.

*Form of Application for Payment by a Contractor for forming,
levelling, and draining a new Road.*

County of } WHEREAS the Sum of _____ was by virtue of
 } the Section of the _____ Chapter of [*here*
set out the Reign], being an Act for [*here set out the Title of the Act*],
 presented at _____ Assizes, in the Year _____
 to be expended in _____ Perches of the new intended Road
 from _____ to _____ between _____
 and _____ all in Barony or Half Barony of _____
 in this County; which Road is to be _____ Feet wide in the
 Clear of all Ditches, Banks, and Drains: And whereas I contracted
 for the Work aforesaid: Now this is to certify, That I have faith-
 fully and honestly performed, levelled, and drained _____ Perches
 of the said Road, in conformity to the said Presentment; and that
 every Part of the said _____ Perches is _____ Feet in the Clear
 between the Ditches, Banks, Drains, or Fences, and is of a proper
 Level throughout the whole of the said Width, with a regular Fall
 from the Centre of said Road to the Sides, and the whole done
 according to and in conformity with the Presentment made by the
 Grand Jury; and that there is not adjoining to either Side of the
 said Road so formed, levelled, and drained any Grip without a
 Bank or a Wall or other sufficient Fence between it and the Side
 of the Road; and that every Part of the said Work was finished on
 the _____ Day of _____ .

Form of Application for Payment by a Contractor for finishing and completing a new Road with Stones and Gravel.

County of } WHEREAS the Sum of _____ was by virtue of the
 } Section of the _____ Chapter of
 [here set out the *Reign*], being an Act for [here set out the *Title of*
 the _____]

the Act], presented at the Assizes in the Year
to be expended in soleing with Stones and other Materials, and in
finishing with small Stones and Gravel, Perches of the
new intended Road from to between
and all in the Barony of
in this County, which Road is Feet wide in the Clear of
all Ditches, Banks, or Fences, and which has been finished
Feet wide at the least with Stones and Gravel: And whereas I con-
tracted for the Work aforesaid: Now I do certify,
That I have faithfully and honestly finished the said Road with
Stones and Gravel in conformity to the Presentment, with the
Quantity of Stones and Gravel at the least therein specified, and that
every Part of the said Perches is Feet wide in the
Clear between the Banks, Drains, or Fences, and is safe and level
throughout the whole of said Width, and free from Obstruction;
and that Feet at the least of said Width is made with
Gravel and small Stones, and is safe and level throughout the whole
of said Width for Carriages to pass and repass on, with a regular
Fall from the Centre to the Sides; and that the Back of every
Ditch or Fence thereto, to which there is a Grip, is turned to the
Road, and the Grip to the Field Side; and that every Part of said
Work was finished on the Day of

*Form of Application by Contractor for Payment for making Fences to
new Roads.*

County of } WHEREAS the Sum of was by virtue of
} the Section of the Chapter
of [*here set out the Reign*], being an Act for [*here set out the Title
of the Act*], presented at Assizes, in the Year
to be expended in making Perches of Fences on each
Side of the Road from to between
and all in the Barony or Half Barony of
in this County, being at the Rate of by the Perch:
Now I do certify, That I contracted for the said
Work, and have executed the same according to the said Present-
ment, and that the whole of the Perches of Fences
aforesaid are well and effectually made pursuant thereto, "and that
the Bank Side thereof is turned to the Road, and the Grip to the
Field Side;" and that the said Work was finished on the
Day of

N.B.—Where there is no Grip Work, the Words within inverted
Commas to be omitted.

SCHEDULE (B.)

Form of Application for the Repairs of Roads.

County of } WE, of and
} of do certify, That we have lately viewed
and measured Perches of the Road from
to between and and
that of the said Perches are in the Townland of
and that Perches thereof are in the Townlands of
all in the Barony of in this County, and that the
same are in need of repair; and we propose that the Expence of
the

the aforesaid Repairs shall be defrayed by the County at large [or Barony or Half Barony of _____], and that Presentment for such Purpose may be made under and by virtue of the Section of the _____ Chapter of [here set out the Reign], being an Act for [here set out the Title of the Act].

(Signed) A. B.
C. D.

Form of Application for Payment by Contractor for the Repairs of Roads.

County of } WHEREAS the Sum of _____ was by virtue of the
 } Section of the _____ Chapter [here set out the
Reign], being an Act for [here set out the Title of the Act], presented
at _____ Assizes, in the Year _____ to be expended
in repairing _____ Perches of the Road from
to _____ between _____ and _____, all
in the Barony of _____ in this County, which Road is
_____ Feet wide in the Clear of the Ditches, Drains, Banks,
or Fences, and _____ Feet wide, with Gravel or small Stones,
which Sum was calculated at the average Rate of _____
by the Perch for such Repairs: And whereas I contracted for the
Performance of the aforesaid Work: Now I _____ do
certify, That I have faithfully and honestly repaired
Perches of the said Road (being the Parts of the said Road which
were most in need of Repair) in conformity to the said Presentment;
and that every Part of the said _____ Perches is
_____ Feet wide at the least in the Clear of all Ditches, Banks, Drains,
or Fences, and that it is safe and level throughout, and free from
Nuisances; and that _____ Feet wide at least of the said
Width is made or repaired with Gravel or small Stones, with a
regular Fall from the Centre of the Road to the respective Sides,
and is safe and level throughout the whole of the said Width for
Carriages to pass and repass on; and that there is a clear Passage
on each Side of the said Road to prevent the Water from injuring
the same; and that every Part of the said Work was finished on the
Day of _____.

SCHEDULE (C.)

Form of Application for widening Roads and making Fences instead of those to be taken away.

County of } WE, _____ of _____ and
 } of _____ do certify, That we have lately viewed
and measured _____ Perches of the Road from
to _____ between _____ and _____ in the
Townlands of _____ all in the Barony or Half Barony
of _____ in this County, and that every of the same is
_____ Feet wide, and no more, in the Clear, within the
Ditches, Banks, Drains, or Fences; and we are of opinion that it
would be useful to the Public using such Road to widen the same so
as to make that Part of the Road _____ Feet wide in the
Clear, and safe and level throughout the whole of the said Width,
and to make new Fences instead of those which shall be taken down
or destroyed in order to widen the same; and we propose that the
Expence

Expence of widening and repairing the same shall be defrayed by the County at large [*or Barony or Half Barony of*], and that Presentment for such Purpose may be made under and by virtue of the Section of the Chapter of [*here set out the Reign*], being an Act for [*here set out the Title of the Act*].

(Signed) A. B.
C. D.

Form of Application by Contractor for Payment for widening Roads and making Fences thereto.

County of } WHEREAS the Sum of was by virtue of
the Section of the Chapter
[*here set out the Reign*], being an Act for [*here set out the Title of the Act*], presented at Assizes, in the Year
to be expended in widening and in making and repairing with Stones and Gravel, and making Fences to Perches of the Road
from to between and
in the Townlands of all
in the Barony of in this County, so as to make the
said Road Feet wide in the Clear of all Ditches,
Banks, or Drains, and Feet wide at the least with
Stones and Gravel: And whereas I contracted for the Execution
of the said Work: Now I do certify, That I have
faithfully and honestly widened and fenced, and made and repaired
with Stones and Gravel Perches of the said Road, in
conformity to the Presentment; and that every Part of the said
Perches is now effectually widened to the Width afore-
said, and safe and level throughout the whole of the said Width and
every Part thereof; and that Feet wide of the same is
made or repaired with Barrels of Gravel or Stones, and
is safe and level throughout the whole of the said Width for Car-
riages to pass and repass on; and that the Back of every Part of
the said Fence, where there is a Grip thereto, is turned to the
Road, and the Grip to the Field Side; and that every Part of the
said Work was finished on the Day of

SCHEDULE (D.)

Form of Application for making or repairing Footpaths.

County of } WE of and of
do certify, That it is necessary to make
[*or repair*] Perches of a Footpath on the Road from
to between and all in
the Barony of in this County; and we propose that
the Expence of the aforesaid Work shall be defrayed by the County
at large [*or Barony or Half Barony of*], and that
Presentment for such Purpose may be made under and by virtue
of the Section of the Chapter of [*here set out the Reign*], being an Act for [*here set out the Title of the Act*].
(Signed) A. B.
C. D.

Form

Form of Application for Payment by a Contractor for making or repairing Footpaths.

County of } WHEREAS the Sum of _____ was by virtue
 } of the _____ Section of the _____ Chapter
 [here set out the Reign], being an Act for [here set out the Title of
 the Act], presented at _____ Assizes, in the Year _____
 to be expended in _____ Perches of a Footpath on the
 Road from _____ to _____ between _____ and
 _____ all in the Barony of _____ in this County :
 And whereas I contracted for the Work aforesaid : Now this is to
 certify, That I have faithfully and honestly made and repaired
 _____ Perches of a Footpath on the said Road in conformity
 to the Presentment, and that every Part of the said Work was
 finished on the _____ Day of _____ .

SCHEDULE (E.)

Form of Application for lowering a Hill or filling a Hollow, or both, as the Case may be.

County of } WE, _____ of _____ and
 } of _____ do certify, That we have lately viewed
 _____ Perches of a Road over a _____ in the Town-
 land of _____ in this County, on the Road from the Market
 Town of _____ to the Market Town of _____ and
 we are of opinion that it would be useful [here insert the Work pro-
 posed]; and we propose that the Expence of the aforesaid Work
 shall be defrayed by the County at large [or Barony or Half Barony
 of _____], and that Presentment for such Purpose may be
 made under and by virtue of the _____ Section of the
 Chapter of [here set out the Reign], being an Act for [here set out
 the Title of the Act].
 (Signed) A. B.
 C. D.

Form of Application for Payment by a Contractor for lowering a Hill, or filling a Hollow or both.

County of } WHEREAS the Sum of _____ was by virtue of
 } the _____ Section of the _____ Chapter [here
 set out the Reign], being an Act for [here set out the Title of the Act],
 presented at _____ Assizes, in the Year _____ to be
 expended in _____ and remaking the Road over the same
 in the Townland of _____ in this County, on the Road
 from the Market Town of _____ to the Market Town of _____
 : And whereas I contracted for the Work afore-
 said : Now this is to certify, That I have faithfully and honestly
 executed the said Work in conformity to the Plan, Estimate, Sec-
 tion, and Specification agreed to by the Grand Jury at the Time of
 the Presentment being made, and that the same is executed pur-
 suant to the said Presentment, and the Road over the same is com-
 pletely finished in every Part, so as to be _____ Feet in the
 Clear of all Ditches, Banks, Drains, or Fences; and that

Feet

Passengers and Travellers, and that it is necessary for the Safety and Security of the Public frequenting such Road to fill up the same, and to make a sufficient Bank, Wall, or Fence, with the Trench or Drain on the Field Side thereof; and we propose that the Expence of the aforesaid Work shall be defrayed by the County at large [or Barony or Half Barony of _____], and that Presentment for such Purpose may be made under and by virtue of the _____ Section of the _____ Chapter of [here set out the Reign], being an Act for [here set out the Title of the Act].

(Signed) A. B.

C. D.

Form of Application by Contractor for Payment for filling Grips or Trenches on the Sides of Roads, and making others with the Bank or Back to the Road Side and the Grip to the Field Side.

County of } WHEREAS the Sum of _____ was by virtue of
 } the _____ Section of the _____ Chapter
 of [here set out the Reign], being an Act for [here set out the Title of the Act], presented at _____ Assizes, in the Year _____
 to be expended in _____ Perches of _____ immediately
 adjoining the Side of the Road from _____ to _____
 between _____ and _____ all in the Barony of _____
 in this County: And whereas I contracted for the Performance of the aforesaid Work: Now this is to certify, That I have faithfully and honestly performed the said Work, which is completed in conformity to the Presentment as agreed upon by the Grand Jury, and that the same is effectually executed in every Particular, and that every Part of the same was finished on the Day of _____

SCHEDULE (H.)

Form of Application for filling Grips and Holes on the Sides of Roads.

County of } WE, _____ of _____ and _____
 } of _____ do hereby certify, That it is necessary to
 fill _____ Perches of the Grips of the Ditches and Holes
 which are dangerous for Travellers and Passengers, and which are immediately adjoining the Side of the Road from _____
 to _____ between _____ and _____ all in
 the Barony of _____ in this County; and we propose that the Expence of the aforesaid Repairs shall be defrayed by the County at large [or the Barony or Half Barony of _____], and that Presentment for such Purpose may be made under and by virtue of the _____ Section of the _____ Chapter of [here set out the Reign], being an Act for [here set out the Title of the Act].

(Signed) A. B.

C. D.

Form of Application by Contractor for Payment for filling Grips or Holes on the Sides of Roads.

County of } WHEREAS the Sum of _____ was by virtue of the
 } _____ Section of the _____ Chapter [here set
 out the Reign], being an Act for [here set out the Title of the Act], presented at _____ Assizes, in the Year _____ to
 be _____

SCHEDULE (K.)

Form of Application for making, widening, or deepening Drains on the Side of a Road.

County of } W^E, of and of

do certify, That it is necessary to

Perches of Drain immediately adjoining the Side of the Road from

to between and all

in the Barony of in this County, (such Drains not to be

nearer than Feet from the Centre of the said Road,) so

as to make them Feet wide at Top, Feet

perpendicular Depth, and Feet wide at Bottom, which

are necessary for conveying the Water therefrom which injures said

Road; and we propose that the same shall be defrayed by the

County at large [or Barony or Half Barony of], and

that Presentment for such Purpose may be made under and by

virtue of the Section of the Chapter of [*here*

set out the Reign*], being an Act for [*here set out the Title of the

***Act*].**

(Signed) A.B.

C.D.

Form of Application for Payment by a Contractor for the making, widening, or deepening Drains on the Side of a Road.

County of } WHEREAS the Sum of was by virtue
 } of the Section of the Chapter
of [*here set out the Reign*], being an Act for [*here set out the Title*
of the Act], presented at Assizes, in the Year to
be expended in Perches of Drains on the Side of
the Road where the Water injured that Part of the Road from
to between and all
in the Barony of in this County: And whereas I con-
tracted for the Work aforesaid: Now this is to certify, That I have
faithfully and honestly performed said Work in conformity to said
Presentment; and that the said Drains are of the Dimensions spe-
cified in the Presentment agreed to by the Grand Jury, and are
effectually executed; and that the Water is effectually carried off
from that Part of the Road; and that the said Work was finished
on the Day of .

SCHEDULE (L.)

Form of Application for erecting Milestones or Finger Posts.

County of } W.E., of and of
do certify, That it is requisite and necessary
to erect on the Road leading from to
between in the Barony [or Half
Barony] of in this County; and we propose that
the Expence for the aforesaid Milestones or Finger Posts shall be
defrayed by the County at large [or Barony or Half Barony of
], and that Presentment for such Purpose may be
made under and by virtue of the Section of the
Chapter of [*here set out the Reign*], being an Act for [*here set out
the Title of the Act*].
(Signed) A.B.

A. B.

C.D.

‘ and deterred by Threats and Promises from discharging their
 ‘ Duty as Prosecutors, Witnesses, and Jurors upon Trial of such
 ‘ Crimes and Offences in the respective Counties in which such
 ‘ Crimes and Offences have been committed; and there is Reason
 ‘ to believe that the Persons committing such Crimes and Offences
 ‘ are greatly encouraged in the Commission thereof by their Hopes
 ‘ of being acquitted if tried by the Petty Jurors of their respective
 ‘ Counties:’ For the more impartial Trial of all Persons so as
 aforesaid offending, be it therefore enacted by the King’s most
 Excellent Majesty, by and with the Advice and Consent of the
 Lords Spiritual and Temporal, and Commons, in this present Par-
 liament assembled, and by the Authority of the same, That if any
 Indictment or Indictments for any Offence or Offences committed
 after the passing of this Act shall be found in any County, County
 of a City, or County of a Town in *Ireland*, it shall and may be
 lawful for His Majesty’s Court of King’s Bench in *Ireland*, or, in
 Vacation, for any Two Judges of the Superior Courts of Record of
Ireland, upon the Application of His Majesty’s Attorney General
 for *Ireland*, or upon the Petition of any Prosecutor, Prisoner, or
 Traverser, such Application or Petition being verified by Affidavit
 showing that an impartial Trial cannot be had in the County in
 which the Indictment was found, to make Order (if such Court or
 such Two Judges shall so think fit) that the Person or Persons
 named in such Indictment or Indictments shall be tried by a Jury
 of any adjoining County, or by a Jury of the County of *Dublin*, as
 the said Court or such Two Judges shall direct, and that thereupon
 the Person or Persons named in such Indictment or Indictments
 shall be proceeded against and tried upon such Indictment or In-
 dictments for such Offences before the said Court of King’s Bench,
 or before such Commissioners of Oyer and Terminer and General
 Gaol Delivery, as shall be assigned by His Majesty’s Commission
 under the Great Seal of *Ireland*, by the good and lawful Men of
 the Body of such adjoining County, or of the County of *Dublin*, as
 shall be directed by such Order; and such Proceedings shall be
 valid and effectual in the Law to all Intents and Purposes as if the
 Offences had been tried within the County where the same shall be
 committed; and such Indictment or Indictments in such Cases shall
 be certified unto such Court of King’s Bench, or unto such Com-
 missioners, as the Case may be, upon His Majesty’s Writ of Certio-
 rari to be issued for that Purpose; and that in all such Cases no
 Challenge to the Array or to the Polls shall lie or be allowed by
 reason that the Jurors do not or have not come from the proper
 County or Place where the Offence was committed, or by reason
 that the Trial is out of the County or Place where such Offence was
 committed; but nevertheless upon the Trials of such Offences the
 Challenge to any Juror for Want of Freehold or legal Qualification
 in the County where the same shall be tried by virtue of this Act,
 and all other due Challenges to Jurors, shall be allowed, any thing
 in this present Act contained to the contrary notwithstanding.

II. And be it enacted, That in order to defray the Expence of
 the Transmission of the Prisoners to such adjoining County, or to
 the County of *Dublin*, as the Case may be, together with the Ex-
 pences of the Witnesses and other necessary Expences which may
 attend such Trial or Trials, it shall and may be lawful for the Lord

On Indictments
 for Offences
 committed in
 any County in
 Ireland, the
 Court of King’s
 Bench, upon
 Application of
 the Attorney
 General, or upon
 the Petition of
 any Prosecutor,
 &c. verified by
 Affidavit, may
 order the Trial
 thereof to take
 place in any ad-
 joining County,
 or in *Dublin*.

Such Indict-
 ments to be
 certified by Writ
 of Certiorari.

No Challenge
 to be allowed by
 reason that the
 Jurors do not
 come from the
 proper County.

Expence of
 Transmission of
 Prisoners, &c.
 to be advanced
 by Order of
 Lord Lieute-
 nant.

Lieutenant or other Chief Governor or Governors of *Ireland*, when and as Application may be made to him or them for that Purpose, to order such Sum or Sums of Money as he or they shall think necessary to be from Time to Time advanced out of the Consolidated Fund of the United Kingdom arising in *Ireland* to such Persons and under such Regulations as he or they shall think proper.

Expences of
Persons acquit-
ted to be reim-
bursed by Lord
Lieutenant.

III. And be it further enacted, That in case any Person so tried in such adjoining County, or in the County of *Dublin*, shall be then and there acquitted, it shall and may be lawful for the said Lord Lieutenant or other Chief Governor or Governors of *Ireland*, in manner herein-before mentioned, to order to be paid out of such Consolidated Fund as aforesaid, for Reimbursement to the Person so acquitted, such Sum as shall appear to the Judge by or before whom such Person was so acquitted, certified under the Hand of such Judge, to have been the Expence properly and necessarily incurred by such Removal of the Trial of such Person.

Expences of
Witnesses to be
advanced to
Offenders by
the Lord Lieu-
tenant.

IV. And be it further enacted, That the said Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall, in manner herein-before mentioned, order to be paid out of such Consolidated Fund as aforesaid to every such Prisoner, before his Removal from such County from whence he shall be removed as aforesaid, a Sum not exceeding Twenty Pounds to enable such Offender to defray the Charges and Expences of the Attendance of his Witnesses: Provided always, that such Sum so advanced before the Removal of such Prisoner shall be deducted and allowed for in the Sum which, in the Event of the Acquittal of such Prisoner, may become payable under the Certificate of the Judge before whom such Prisoner may be tried, as herein-before provided.

Chief or Under
Secretary to
certify the
Amount of all
Monies ad-
vanced under
this Act, and a
Moiety to be
presented by the
Grand Jury,
and raised off
the County or
Barony or Pa-
rish in which
the Offence was
charged to have
been committed.

V. And be it enacted, That the Chief Secretary of such Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, or the Under Secretary, shall from Time to Time certify to the Secretary of the Grand Jury of the County, County of a City, or County of a Town wherein such Offence was charged to have been committed the Amount of the Money which shall have been so from Time to Time advanced under Authority of this Act for any of the Purposes aforesaid; and every such Certificate shall be laid before such Grand Jury at the next Assizes; and thereupon it shall and may be lawful for such Grand Jury, and any and every such Grand Jury is hereby required, to make Presentment of a Moiety of the Amount of the Money so advanced, as stated in such Certificate, to be raised off such County at large, or Barony, or Parish where such Offence shall have been charged to have been committed; and it shall not be lawful for the Court at any such Assizes to fiat any Presentment for any other Money until such Presentment for such Moiety be first made and allowed; and when and so soon as the Sum so to be presented as aforesaid shall be raised and received by the Treasurer of such County, he shall pay the same to the Collector of Excise for the District, to be by such Collector accounted for as other public Monies which may come to his Hands.

Duration of
Act.

VI. Provided always, and be it further enacted, That this Act shall be and continue in force until the First Day of *August* One thousand eight hundred and thirty-four.

VII. And provided also, and be it further enacted, That this Act may be amended, altered, or repealed by any Act or Acts to be passed during the present Session of Parliament. Act may be amended.

CAP. LXXX.

An Act requiring the Annual Statements of Trustees or Commissioners of Turnpike Roads to be transmitted to the Secretary of State, and afterwards laid before Parliament. [28th August 1833.]

WHEREAS an Act was passed in the Third Year of the Reign of His late Majesty, intituled *An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*, by which it was enacted, that all Trustees and Commissioners of every Turnpike Road or Roads should hold a General Meeting of the Trust for which they should respectively act on a Day to be appointed in the Months of April, September, or October in every Year, which said Meeting should be called or known as "The General Annual Meeting of the Trustees or Commissioners," and at such Meeting the Trustees or Commissioners assembled should elect a Chairman for the Purposes thereof, and should also audit the several Accounts of the said Trusts, and report the State of the Roads under their Care and Superintendence, and, as soon as such Accounts should be allowed and signed, the Clerk to the Trustees or Commissioners holding such Meeting should forthwith make out a Statement of the Debts, Revenues, and Expenditure received or incurred on account of the Trust for which the Meeting should be held, in the Form contained in the Schedule annexed to the said Act, which said Statement should be submitted to the Trustees or Commissioners assembled at such Meeting, and when approved by the Majority of them should be signed by the Chairman of the said Meeting, and should within Thirty Days thereafter be transmitted to the Clerk of the Peace of the County in which the Road or the major Part thereof to which the said Statement related should lie; and it was further enacted, that on such Statement being received by the said Clerk of the Peace he should produce the same to the Justices assembled at the Quarter Sessions to be held next after the Receipt thereof, and that such Statement should also be registered and kept amongst the Records of the Quarter Sessions of the County for which such Clerk of the Peace should act: And whereas another Act was passed in the Fourth Year of the Reign of His said late Majesty, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the General Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*, by which it was enacted, that where by any Act of Parliament a General Annual Meeting of the Trustees acting in execution of such Act should be appointed to be held at any other Time of the Year than in the said Months of April, September, or October, and the said Trustees should have held such Meetings under the Authority of such Act, it should be lawful for such Trustees to continue

3 G. 4. c. 126.

4 G. 4. c. 95.

Clerks of Trustees to transmit Copies of all past Annual Statements of Debts, &c. under 3 G. 4. c. 126. to the Secretary of State within 30 Days from the passing hereof; and in future transmit them within 30 Days after they have been signed.

General Annual Meeting to be held on or before the 25th March.

Regulating the Time for making out the Annual Statement of Debts, &c.

‘ to hold the said General Annual Meetings at the Time mentioned
 ‘ and directed in the Act by virtue of which they should be appointed,
 ‘ instead of in the said Months of *April, September, or October*, any
 ‘ thing in the said first-recited Act contained to the contrary not-
 ‘ withstanding: And whereas it is expedient that such Annual State-
 ‘ ments should be transmitted to One of His Majesty’s Principal
 ‘ Secretaries of State, for the Purpose of being revised, and after-
 ‘ wards laid before both Houses of Parliament; and for the sake of
 ‘ one uniform System it is also expedient that Provisions should be
 ‘ made in respect to the Time for holding such General Annual
 ‘ Meetings:’ Be it therefore enacted by the King’s most Excellent
 Majesty, by and with the Advice and Consent of the Lords Spiritual
 and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the several and respec-
 tive Clerks to the said Trustees or Commissioners holding such
 Annual Meetings respectively as aforesaid shall within Thirty Days
 from the passing of this Act transmit to One of His Majesty’s Prin-
 cipal Secretaries of State for the Time being Copies of all such
 Annual Statements so already sent by them respectively to the Clerks
 of the Peace as aforesaid, and shall also transmit to One of His
 Majesty’s Principal Secretaries of State for the Time being Copies
 of all such General Annual Statements for any future Year or Years
 so directed to be transmitted to the Clerks of the Peace as afore-
 said within Thirty Days after the same shall have been so approved
 and signed as aforesaid; and if any such Clerk to the said Trustees
 or Commissioners shall refuse or neglect to transmit such Copies of
 such Annual Statements within the Time herein-before prescribed
 for that Purpose, then and in every such Case every such Clerk so
 offending shall for every such Offence forfeit any Sum not exceeding
 Ten Pounds nor less than Five Pounds, at the Discretion of any
 Justice or Justices of the Peace before whom Complaint of such
 Offence shall be made.

II. And be it further enacted, That from and after the Expira-
 tion of the present Year the Trustees and Commissioners of every
 Turnpike Road shall hold their General Annual Meeting on or
 before the Twenty-fifth Day of *March* in every future Year, and
 not at any other Time, any thing in the said recited Acts, or in
 either of them, to the contrary notwithstanding.

III. And be it further enacted, That the Annual Statement of
 the Debts, Revenues, and Expenditure of every Turnpike Trust so
 as aforesaid required by the said recited Act of the Third Year of
 the Reign of His said late Majesty, and also by this Act, to be
 made out by the Clerk and Surveyor to the Trustees or Commis-
 sioners holding such General Annual Meeting, and submitted to the
 Trustees or Commissioners then assembled, shall, for the Year One
 thousand eight hundred and thirty-four, be made out from the Date
 of the last Annual Statement of the Year One thousand eight hun-
 dred and thirty-three until the Thirty-first Day of *December* One
 thousand eight hundred and thirty-three, according to the Form
 contained in Schedule (A.) annexed to this Act; and that in all
 future Years such Annual Statements shall be made out of the
 Debts, Revenues, and Expenditures received or incurred on account
 of the Trust for which the Meeting shall be held between the First
 Day

Day of *January* and the Thirty-first Day of *December* of the Year preceding the Year in which such Meeting shall be so held, and according to such Schedule.

IV. And be it further enacted, That the several and respective Clerks to the said Trustees or Commissioners shall cause to be prepared and laid before such General Annual Meetings of the Trustees and Commissioners respectively Estimates, made out in the Form contained in the Schedule (B.) to this Act annexed, of the probable Expenditure of their respective Trusts for the current Year, from the First Day of *January* preceding such Meeting to the Thirty-first Day of *December* following; and if any such Clerk shall refuse or neglect to prepare and lay before such General Annual Meeting such Estimate as aforesaid, every such Clerk so offending shall for every such Offence forfeit any Sum not exceeding Ten Pounds nor less than Five Pounds, at the Discretion of any Justice or Justices of the Peace before whom Complaint of such Offence shall be made.

Clerks to prepare Estimates for Annual Meetings.

V. And be it further enacted, That such Secretary of State for the Time being shall yearly and every Year cause such Annual Statements so transmitted to him to be revised and abstracted, and shall cause such Abstracts to be laid before both Houses of Parliament, together with any Observations he may think proper with respect to the State, Condition, and Repair of the Roads or any of them, or with respect to the Debts, Revenues, Expenditure, and Management of any of such Turnpike Trusts.

Secretary of State to cause Abstracts of Annual Statements to be laid before Parliament;

VI. And be it further enacted, That to enable such Secretary of State for the Time being to elucidate such Annual Statements, and to make such Abstract, and prepare such Report and Observations for both Houses of Parliament, it shall be lawful for such Secretary of State for the Time being to inquire into the State of the several Turnpike Trusts whose Annual Statements shall be so as aforesaid transmitted, and ascertain the Amount of the Annual Income and Expenditure of such several Trusts, and also to inquire into the Method in which the Roads under the Charge of such Trusts are maintained and repaired; and for the Purposes aforesaid it shall be lawful for such Secretary of State for the Time being to summon before him any Surveyors, Treasurers, Clerks, or other Officers employed by the Trustees or Commissioners in respect of the said Roads; and the said Surveyors, Treasurers, Clerks, and other Officers shall, if required, produce all Books of Account, Plans, Maps, Papers, Documents, and Writings in their Possession respectively, and shall permit any Person appointed by such Secretary of State for the Time being to inspect, examine, and take Copies or Extracts from the same or any or either of them; and if any such Surveyor, Treasurer, Clerk, or other Officer shall refuse or neglect to attend any such Summons, or refuse or neglect to give a full and satisfactory Answer to any Question which he shall be by such Secretary of State for the Time being required to answer, or shall refuse or neglect to produce any Book of Account, Plan, Map, Paper, Document, or Writing in his Possession relating to the Road as to which he shall be employed, every Person so offending shall for every such Offence forfeit any Sum not exceeding Twenty Pounds nor less than Five Pounds, at the Discretion of any Justice or Justices of the Peace before whom Complaint of such Offence shall be made.

and for that Purpose to summon any Clerks, Surveyors, &c. before him, and inquire into the State of the Roads and the Method of maintaining them.

Clerks to Trustees to send Copies of Resolutions of Trustees as to Continuation or Alteration of Turnpike Acts, &c. to Secretary of State.

VII. And be it enacted, That when and so soon as the Trustees of any Turnpike Road shall have entered into a Resolution to apply to Parliament for the Continuation of the Term and Powers of the Act under which such Turnpike Road is regulated, or for the Alteration or Enlargement of any of those Powers, or for an Increase of the Tolls to be levied on such Turnpike Road, the Clerk of the said Trustees is hereby required immediately to transmit a Copy of such Resolution to One of His Majesty's Principal Secretaries of State for the Time being, together with a Copy of any special Clauses which the Trustees may wish to be inserted in any new Act respecting such Turnpike Road, and also a Statement of the increased Tolls intended to be levied thereon.

Penalties how to be recovered.

VIII. And be it enacted, That the Penalties hereby imposed shall be recovered and applied in the same Manner as Penalties imposed by the said recited Act of the Third Year of His late Majesty, and the several Clauses and Provisions therein contained respecting the Recovery and Application of Penalties shall be in force for that Purpose as if the same were herein specially re-enacted and contained.

Act may be altered this Session.

IX. And be it enacted, That this Act may be altered, amended, or repealed by any Act or Acts to be passed in this present Sessions of Parliament.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

GENERAL STATEMENT of the INCOME and EXPENDITURE of the
TURNPIKE TRUST in the County of between the 1st Day
of January and the 31st Day of December

INCOME.	£ s. d.	EXPENDITURE.	£ s. d.
Balance in Treasurer's Hands brought forward - }		Balance due to the Treasurer brought forward - }	
Revenue received from Tolls		Manual Labour - -	
Parish Composition in lieu of Statute Duty - - }		Team Labour and Carriage }	
Estimated Value of Statute Duty performed - - }		Materials - - - }	
Revenue from Fines - -		Materials for Surface Repairs	
from Incidental Receipt - - }		Land purchased - -	
Amount of Money borrowed on the Security of the Tolls - - - }		Damage done in obtaining Materials - - - }	
		Tradesmen's Bills - -	
		Salaries: Treasurer - -	
		Clerk - - -	
		Surveyor - - -	
		Law Charges - - -	
		Interest of Debt - - -	
		Improvements - - -	
		Debts paid off - - -	
		Incidental Expences - -	
		Statute Duty performed, estimated Value - - - }	
Balance due to the Trust -		Balance due to Treasurer -	

DEBTS.		Rate of Interest per Cent.	ARREARS OF INCOME.		Insert the Name and Place of Abode of the Treasurer, Clerk, General and Superintending Surveyor below.
	£ s. d.	£ s. d.			
Bonded or Mortgage Debt - - - }			Arrears of Tolls for current Year - }		
Floating Ditto - -			Arrears of Parish Com- position - ditto - }		
Unpaid Interest - -			Arrears of any other Receipt - ditto - }		
Balance due to the Treasurer - - }			Arrears of former Years		
Total Debts -			Total Arrears -		

SCHEDULE (B.)

An ESTIMATE of the EXPENCE of maintaining the TRUST in the County of January and the 31st Day of December TURNPIKE between the 1st Day of

	£	s.	d.
Manual Labour - - - - -			
Team Labour and Carriage - - - - -			
Materials delivered on the Road, exclusive of Carriage - -			
Land purchased - - - - -			
Damage done in obtaining Materials - - - - -			
Tradesmen's Bills - - - - -			
Salaries - - - - -			
Law Charges - - - - -			
Interest of Debt - - - - -			
Watering the Roads - - - - -			
Lighting Ditto - - - - -			
Incidental Expences - - - - -			

Date of the existing Act of Parliament,
The Length of the Trust, Miles. Distinguishing Main from Branch Roads.
State the Description and Quantity of Materials used on the Trust, with the Price per Yard or Ton ; and if the Damages in obtaining Materials are paid for at per Yard or Ton, state the Price.

CAP. LXXXI.

An Act to authorize the Application of Part of the Land Revenue of the Crown for providing Fixtures, Furniture, Fittings, and Decorations for *Buckingham Palace*.
[28th August 1833.]

10 G. 4. c. 50.

‘ WHEREAS by an Act passed in the Tenth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Management and Improvement of His Majesty’s Woods, Forests, Parks, and Chases; of the Land Revenue of the Crown within the Survey of the Exchequer in England; and of the Land Revenue of the Crown in Ireland; and for extending certain Provisions relating to the same to the Isles of Man and Alderney*, it was enacted, that all the Land Revenues whatsoever (Advowsons of Churches and Vicarages only excepted) which belonged to His Majesty within the Ordering or Survey of the Court of Exchequer in *England or Wales, in Ireland, in the Isle of Man and its Dependencies, and the Isle of Alderney*, should be under the Management of the Commissioners of His Majesty’s Woods, Forests, and Land Revenues, and of their Successors; and it was thereby further enacted, that the annual Income of all the said Possessions and Land Revenues of the Crown to which that Act related, including Fines on Leases, and all other Sums received in respect of such Leases, or otherwise for or in respect of the said Possessions and Land Revenues (except from Sales or Exchanges), should be applied in manner following; that is to say, in the first place, in Payment of the Costs, Charges, and Expences attending the Management of the said Possessions and Land Revenues; in the next place, in the Payment and Discharge of any annual Sum or Sums of Money, or any Pensions, then already charged or to be charged thereon respectively, and in the Payment of any other Principal Sum, and the Interest of any Principal Sum or Sums of Money which was then already or might be thereafter charged upon the said Possessions and Land Revenues; in the next place so much of the Monies to arise from the said annual Income as the Lord High Treasurer or the Commissioners of His Majesty’s Treasury for the Time being should from Time to Time think proper should be applied towards the Payment and Discharge of the Costs, Charges, and Expences of the Repairs, Alterations, and Improvements of *Buckingham House*, and the Buildings, Offices, and Grounds appertaining and belonging thereto, provided that the Sum to be so applied under the now reciting Act to such Repairs, Alterations, and Improvements should not exceed the Sum of One hundred and fifty thousand Pounds, over and above the Sum of Three hundred and forty-six thousand Pounds which had been then already applied thereto previous to the passing of the now reciting Act; and, subject to the Applications aforesaid, the said annual Income should during the Life of His then present Majesty be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, and from and after the Demise of His then present Majesty should be payable and paid to the King’s Majesty, His Heirs
‘ and

‘ and Successors: And whereas by an Act passed in the First Year
 ‘ of the Reign of His present Majesty, intituled *An Act for the* 1 W. 4. c. 25.
 ‘ *Support of His Majesty’s Household, and of the Honour and Dignity*
 ‘ *of the Crown of the United Kingdom of Great Britain and Ireland,*
 ‘ it was (amongst other things) enacted, that the Produce of the
 ‘ Hereditary Rates, Duties, Payments, and Revenues in *England*
 ‘ and *Ireland* respectively therein mentioned, which at the Time of
 ‘ the Decease of His late Majesty King *George the Fourth* made
 ‘ Part of the Consolidated Fund of the United Kingdom of *Great*
 ‘ *Britain and Ireland,* and also the small Branches of the Here-
 ‘ ditary Revenue and the Produce of the Hereditary Casual Re-
 ‘ venues, therein mentioned, which had accrued since the Decease
 ‘ of His said late Majesty, and which should not have been applied
 ‘ and distributed in the Payment of any Charge thereupon respec-
 ‘ tively, or which should accrue during the Life of His present
 ‘ Majesty, should be carried to and made Part of the Consolidated
 ‘ Fund of the United Kingdom of *Great Britain and Ireland,* and
 ‘ after the Decease of His present Majesty all the said Hereditary
 ‘ Revenues, including the Duties on Beer, Ale, and Cider, should
 ‘ be payable and paid to His Heirs and Successors: And whereas
 ‘ by an Act passed in the Second Year of the Reign of His present
 ‘ Majesty, intituled *An Act for uniting the Office of the Surveyor* 2 W. 4. c. 1.
 ‘ *General of His Majesty’s Works and Public Buildings with the*
 ‘ *Office of the Commissioners of His Majesty’s Woods, Forests, and*
 ‘ *Land Revenues, and for other Purposes relating to the Land Re-*
 ‘ *venues,* it was enacted, that it should be lawful for His Majesty,
 ‘ His Heirs and Successors, by Letters Patent under the Great Seal,
 ‘ to appoint, in the Place of the Commissioners of His Majesty’s
 ‘ Woods, Forests, and Land Revenues, and of the Surveyor Ge-
 ‘ neral of His Majesty’s Works and Public Buildings, any Persons
 ‘ not exceeding Three in Number, to be Commissioners for per-
 ‘ forming the Duties and exercising the Powers then performed and
 ‘ exercisable by the Commissioners of His Majesty’s Woods, Forests,
 ‘ and Land Revenues, and the Duties and Powers then performed
 ‘ and exercisable by the Surveyor General of His Majesty’s Works
 ‘ and Public Buildings, and that the Persons so first appointed and
 ‘ their Successors should be called “ The Commissioners of His
 ‘ Majesty’s Woods, Forests, Land Revenues, Works, and Build-
 ‘ ings;” and the said Commissioners were by the said Act em-
 ‘ powered to exercise and carry into effect all the Powers and
 ‘ Provisions contained in the said recited Act of the Tenth Year
 ‘ of the Reign of His late Majesty King *George the Fourth,* either
 ‘ expressly or by reference to any other Acts: And whereas the
 ‘ Repairs, Alterations, and Improvements of *Buckingham Palace,*
 ‘ and the Buildings, Offices, and Grounds appertaining thereto, in
 ‘ which the said Sum of One hundred and fifty thousand Pounds
 ‘ was by the said recited Act of the Tenth Year of the Reign of His
 ‘ late Majesty King *George the Fourth* authorized and directed to
 ‘ be laid out and expended, are nearly completed and finished;
 ‘ and in order to render the said Palace a suitable Residence for
 ‘ His Majesty it is expedient that a certain Portion of the Produce
 ‘ arising to His Majesty by the Rents of Messuages, Lands, and
 ‘ other Hereditaments in *England and Ireland,* and by the Fines on
 ‘ Leases of the same, or any of them, now forming Part of the
 ‘ Hereditary

* Hereditary Revenues belonging to His Majesty in right of His
 * Crown, under the Care and Management of the Commissioners
 * of His Majesty's Woods, Forests, Land Revenues, Works, and
 * Buildings, by virtue of the said recited Acts of the Tenth Year
 * of the Reign of His late Majesty and the Second Year of the
 * Reign of His present Majesty, should be made applicable, by
 * and with the Consent and Approbation of the Lord High Treas-
 * urer or the Commissioners of His Majesty's Treasury for the
 * Time being, to the Purpose of defraying the Costs, Charges, and
 * Expences of completing and perfecting the Finishings of the said
 * Palace, and of providing Fixtures, Furniture, and Decorations
 * necessary and requisite for the same: Be it therefore enacted by
 the King's most Excellent Majesty, by and with the Advice and
 Consent of the Lords Spiritual and Temporal, and Commons, in
 this present Parliament assembled, and by the Authority of the
 same, That it shall be lawful for the said Lord High Treasurer
 or the Commissioners of His Majesty's Treasury for the Time being,
 or any Three of them, from Time to Time to direct and authorize
 the Commissioners of His Majesty's Woods, Forests, Land Re-
 venues, Works, and Buildings to pay and apply, out of the Produce
 of the said Hereditary Land Revenues of the Crown now under
 their Care and Management as aforesaid, such Sum or Sums of
 Money as they shall think necessary and expedient, not exceeding
 in the whole the Sum of Fifty-five thousand Pounds, towards the
 Payment and Discharge of the Costs, Charges, and Expences of
 such Finishings, Fixtures, Furniture, and Decorations.

A Sum not ex-
 ceeding 55,000l.
 to be paid out of
 the Hereditary
 Land Revenues
 of the Crown
 for Expences of
 Finishings, Fix-
 tures, and Fur-
 niture of Buck-
 ingham Palace.

Such Payments
 to have Prece-
 dence of all
 others arising
 from the Land
 Revenues.

II. And be it further enacted, That the Payment of such Sum
 or Sums of Money herein-before authorized to be made shall be
 prior to and take Precedence of the Payment or Application of any
 Sum or Sums of Money arising from the said Land Revenues for
 the Purposes of the Consolidated Fund; but that the said Land
 Revenues shall nevertheless remain subject and liable to the Costs
 and Charges attending the Management thereof, and the Payment
 or Discharge of any Sum or Sums of Money, or any Pensions,
 which may be now already charged thereon, or to the Payment
 whereof the same now are or may hereafter become liable under or
 by virtue of any Act or Acts of Parliament relating to the said Land
 Revenues, any Act or Acts of Parliament relating to or concerning
 the said Revenues to the contrary thereof in anywise notwith-
 standing.

CAP. LXXXII.

An Act to allow the People called Separatists to make a
 solemn Affirmation and Declaration instead of an Oath.

[28th August 1833.]

* **W**HEREAS there are in various Places in *Ireland*, and in
 * some Parts of *England*, and elsewhere, certain Dissenters
 * from the United Church of *England* and *Ireland*, and from the
 * Church of *Scotland*, commonly called Separatists, the Members
 * of which Class or Sect of Dissenters, from conscientious Scruples,
 * refuse to take an Oath in Courts of Justice and other Places,
 * and in consequence thereof are exposed to great Losses and
 * Inconveniences in their Trades and Concerns, and are subject
 * to Fines and to Imprisonment for Contempt of Court, and the
 * Community

Community at large are deprived of the Benefit of their Testimony: And whereas it is therefore expedient that the said Sect called Separatists should be relieved in manner herein-after mentioned; be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Person for the Time being belonging to the said Sect called Separatists, who shall be required upon any lawful Occasion to take an Oath in any Case where by Law an Oath is or may be required, shall, instead of the usual Form, be permitted to make his or her solemn Affirmation or Declaration in these Words following; *videlicet*,

Separatists, instead of an Oath, may make the following Affirmation.

[A. B. do, in the Presence of Almighty God, solemnly, sincerely, and truly affirm and declare that I am a Member of the Religious Sect called Separatists, and that the taking of any Oath is contrary to my Religious Belief, as well as essentially opposed to the Tenets of that Sect; and I do also in the same solemn Manner affirm and declare]

Which said solemn Affirmation or Declaration shall be adjudged and taken and is hereby enacted and declared to be of the same Force and Effect, to all Intents and Purposes, in all Courts of Justice and other Places whatsoever where by Law an Oath is or may be required, as if such Separatists had taken an Oath in the usual Form.

Such Affirmation shall have the Effect of an Oath.

II. And be it further enacted, That if any Person making such solemn Affirmation or Declaration shall in fact not be one of the People commonly called Separatists, or shall wilfully, falsely, and corruptly affirm or declare any other Matter or Thing which if the same had been sworn in the usual Form would have amounted to wilful and corrupt Perjury, every such Person so offending shall incur the same Penalties and Forfeitures as by the Laws and Statutes of this Kingdom are or may be enacted or provided against Persons convicted of wilful and corrupt Perjury.

Persons making a false Affirmation to be subject to the same Punishment as for Perjury.

CAP. LXXXIII.

An Act to compel Banks issuing Promissory Notes payable to Bearer on Demand to make Returns of their Notes in Circulation, and to authorize Banks to issue Notes payable in *London* for less than Fifty Pounds.

[28th August 1833.]

WHEREAS it is expedient that all Corporations, Copartnerships, and Persons carrying on Banking Business, and making and issuing Promissory Notes payable to Bearer on Demand, should make Returns of the Amount of such Notes in Circulation; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Corporations and Copartnerships carrying on Banking Business under the Provisions of an Act passed in the Seventh Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for the better regulating Copartnerships of certain Bankers in England, and for amending so much of an Act of the Thirty-ninth*

Partnerships and Persons carrying on Banking Business, and issuing Promissory Notes, to keep Accounts of the

A Sum not exceeding 55,000*l.* to be paid out of the Hereditary Land Revenues of the Crown for Expences of Finishings, Fixtures, and Furniture of Buckingham Palace.

Such Payments to have Precedence of all others arising from the Land Revenues.

' Hereditary Revenues belonging to His Majesty in right of His Crown, under the Care and Management of the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings, by virtue of the said recited Acts of the Tenth Year of the Reign of His late Majesty and the Second Year of the Reign of His present Majesty, should be made applicable, by and with the Consent and Approbation of the Lord High Treasurer or the Commissioners of His Majesty's Treasury for the Time being, to the Purpose of defraying the Costs, Charges, and Expences of completing and perfecting the Finishings of the said Palace, and of providing Fixtures, Furniture, and Decorations necessary and requisite for the same:' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the said Lord High Treasurer or the Commissioners of His Majesty's Treasury for the Time being, or any Three of them, from Time to Time to direct and authorize the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings to pay and apply, out of the Produce of the said Hereditary Land Revenues of the Crown now under their Care and Management as aforesaid, such Sum or Sums of Money as they shall think necessary and expedient, not exceeding in the whole the Sum of Fifty-five thousand Pounds, towards the Payment and Discharge of the Costs, Charges, and Expences of such Finishings, Fixtures, Furniture, and Decorations.

II. And be it further enacted, That the Payment of such Sum or Sums of Money herein-before authorized to be made shall be prior to and take Precedence of the Payment or Application of any Sum or Sums of Money arising from the said Land Revenues for the Purposes of the Consolidated Fund; but that the said Land Revenues shall nevertheless remain subject and liable to the Costs and Charges attending the Management thereof, and the Payment or Discharge of any Sum or Sums of Money, or any Pensions, which may be now already charged thereon, or to the Payment whereof the same now are or may hereafter become liable under or by virtue of any Act or Acts of Parliament relating to the said Land Revenues, any Act or Acts of Parliament relating to or concerning the said Revenues to the contrary thereof in anywise notwithstanding.

CAP. LXXXII.

An Act to allow the People called Separatists to make a solemn Affirmation and Declaration instead of an Oath.

[28th August 1833.]

' **W**HEREAS there are in various Places in *Ireland*, and in some Parts of *England*, and elsewhere, certain Dissenters from the United Church of *England* and *Ireland*, and from the Church of *Scotland*, commonly called Separatists, the Members of which Class or Sect of Dissenters, from conscientious Scruples, refuse to take an Oath in Courts of Justice and other Places, and in consequence thereof are exposed to great Losses and Inconveniences in their Trades and Concerns, and are subject to Fines and to Imprisonment for Contempt of Court, and the Community

Community at large are deprived of the Benefit of their Testimony: And whereas it is therefore expedient that the said Sect called Separatists should be relieved in manner herein-after mentioned; be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Person for the Time being belonging to the said Sect called Separatists, who shall be required upon any lawful Occasion to take an Oath in any Case where by Law an Oath is or may be required, shall, instead of the usual Form, be permitted to make his or her solemn Affirmation or Declaration in these Words following; *videlicet*,

Separatists, instead of an Oath, may make the following Affirmation.

‘ I *A. B.* do, in the Presence of Almighty God, solemnly, sincerely, and truly affirm and declare that I am a Member of the Religious Sect called Separatists, and that the taking of any Oath is contrary to my Religious Belief, as well as essentially opposed to the Tenets of that Sect; and I do also in the same solemn Manner affirm and declare ’

Which said solemn Affirmation or Declaration shall be adjudged and taken and is hereby enacted and declared to be of the same Force and Effect, to all Intents and Purposes, in all Courts of Justice and other Places whatsoever where by Law an Oath is or may be required, as if such Separatists had taken an Oath in the usual Form.

Such Affirmation shall have the Effect of an Oath.

II. And be it further enacted, That if any Person making such solemn Affirmation or Declaration shall in fact not be one of the People commonly called Separatists, or shall wilfully, falsely, and corruptly affirm or declare any other Matter or Thing which if the same had been sworn in the usual Form would have amounted to wilful and corrupt Perjury, every such Person so offending shall incur the same Penalties and Forfeitures as by the Laws and Statutes of this Kingdom are or may be enacted or provided against Persons convicted of wilful and corrupt Perjury.

Persons making a false Affirmation to be subject to the same Punishment as for Perjury.

CAP. LXXXIII.

An Act to compel Banks issuing Promissory Notes payable to Bearer on Demand to make Returns of their Notes in Circulation, and to authorize Banks to issue Notes payable in *London* for less than Fifty Pounds.

[28th August 1833.]

‘ WHEREAS it is expedient that all Corporations, Copartnerships, and Persons carrying on Banking Business, and making and issuing Promissory Notes payable to Bearer on Demand, should make Returns of the Amount of such Notes in Circulation; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Corporations and Copartnerships carrying on Banking Business under the Provisions of an Act passed in the Seventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better regulating Copartnerships of certain Bankers in England, and for amending so much of an Act of the Thirty-ninth*

Partnerships and Persons carrying on Banking Business, and issuing Promissory Notes, to keep Accounts of the

‘ Hereditary Revenues belonging to His Majesty in right of His
 ‘ Crown, under the Care and Management of the Commissioners
 ‘ of His Majesty’s Woods, Forests, Land Revenues, Works, and
 ‘ Buildings, by virtue of the said recited Acts of the Tenth Year
 ‘ of the Reign of His late Majesty and the Second Year of the
 ‘ Reign of His present Majesty, should be made applicable, by
 ‘ and with the Consent and Approbation of the Lord High Treas-
 ‘ surer or the Commissioners of His Majesty’s Treasury for the
 ‘ Time being, to the Purpose of defraying the Costs, Charges, and
 ‘ Expences of completing and perfecting the Finishings of the said
 ‘ Palace, and of providing Fixtures, Furniture, and Decorations
 ‘ necessary and requisite for the same:’ Be it therefore enacted by
 the King’s most Excellent Majesty, by and with the Advice and
 Consent of the Lords Spiritual and Temporal, and Commons, in
 this present Parliament assembled, and by the Authority of the
 same, That it shall be lawful for the said Lord High Treasurer
 or the Commissioners of His Majesty’s Treasury for the Time being,
 or any Three of them, from Time to Time to direct and authorize
 the Commissioners of His Majesty’s Woods, Forests, Land Re-
 venues, Works, and Buildings to pay and apply, out of the Produce
 of the said Hereditary Land Revenues of the Crown now under
 their Care and Management as aforesaid, such Sum or Sums of
 Money as they shall think necessary and expedient, not exceeding
 in the whole the Sum of Fifty-five thousand Pounds, towards the
 Payment and Discharge of the Costs, Charges, and Expences of
 such Finishings, Fixtures, Furniture, and Decorations.

A Sum not ex-
 ceeding 55,000*l.*
 to be paid out of
 the Hereditary
 Land Revenues
 of the Crown
 for Expences of
 Finishings, Fix-
 tures, and Fur-
 niture of Buck-
 ingham Palace.

Such Payments
 to have Prece-
 dence of all
 others arising
 from the Land
 Revenues.

II. And be it further enacted, That the Payment of such Sum
 or Sums of Money herein-before authorized to be made shall be
 prior to and take Precedence of the Payment or Application of any
 Sum or Sums of Money arising from the said Land Revenues for
 the Purposes of the Consolidated Fund; but that the said Land
 Revenues shall nevertheless remain subject and liable to the Costs
 and Charges attending the Management thereof, and the Payment
 or Discharge of any Sum or Sums of Money, or any Pensions,
 which may be now already charged thereon, or to the Payment
 whereof the same now are or may hereafter become liable under or
 by virtue of any Act or Acts of Parliament relating to the said Land
 Revenues, any Act or Acts of Parliament relating to or concerning
 the said Revenues to the contrary thereof in anywise notwith-
 standing.

CAP. LXXXII.

An Act to allow the People called Separatists to make a
 solemn Affirmation and Declaration instead of an Oath.

[28th August 1833.]

‘ **W**HEREAS there are in various Places in *Ireland*, and in
 ‘ some Parts of *England*, and elsewhere, certain Dissenters
 ‘ from the United Church of *England* and *Ireland*, and from the
 ‘ Church of *Scotland*, commonly called Separatists, the Members
 ‘ of which Class or Sect of Dissenters, from conscientious Scruples,
 ‘ refuse to take an Oath in Courts of Justice and other Places,
 ‘ and in consequence thereof are exposed to great Losses and
 ‘ Inconveniences in their Trades and Concerns, and are subject
 ‘ to Fines and to Imprisonment for Contempt of Court, and the
 ‘ Community

Community at large are deprived of the Benefit of their Testimony: And whereas it is therefore expedient that the said Sect called Separatists should be relieved in manner herein-after mentioned; be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Person for the Time being belonging to the said Sect called Separatists, who shall be required upon any lawful Occasion to take an Oath in any Case where by Law an Oath is or may be required, shall, instead of the usual Form, be permitted to make his or her solemn Affirmation or Declaration in these Words following; *videlicet*,

Separatists, instead of an Oath, may make the following Affirmation.

‘ I *A. B.* do, in the Presence of Almighty God, solemnly, sincerely, and truly affirm and declare that I am a Member of the Religious Sect called Separatists, and that the taking of any Oath is contrary to my Religious Belief, as well as essentially opposed to the Tenets of that Sect; and I do also in the same solemn Manner affirm and declare ’

Which said solemn Affirmation or Declaration shall be adjudged and taken and is hereby enacted and declared to be of the same Force and Effect, to all Intents and Purposes, in all Courts of Justice and other Places whatsoever where by Law an Oath is or may be required, as if such Separatists had taken an Oath in the usual Form.

Such Affirmation shall have the Effect of an Oath.

II. And be it further enacted, That if any Person making such solemn Affirmation or Declaration shall in fact not be one of the People commonly called Separatists, or shall wilfully, falsely, and corruptly affirm or declare any other Matter or Thing which if the same had been sworn in the usual Form would have amounted to wilful and corrupt Perjury, every such Person so offending shall incur the same Penalties and Forfeitures as by the Laws and Statutes of this Kingdom are or may be enacted or provided against Persons convicted of wilful and corrupt Perjury.

Persons making a false Affirmation to be subject to the same Punishment as for Perjury.

CAP. LXXXIII.

An Act to compel Banks issuing Promissory Notes payable to Bearer on Demand to make Returns of their Notes in Circulation, and to authorize Banks to issue Notes payable in *London* for less than Fifty Pounds.

[28th August 1833.]

‘ WHEREAS it is expedient that all Corporations, Copartnerships, and Persons carrying on Banking Business, and making and issuing Promissory Notes payable to Bearer on Demand, should make Returns of the Amount of such Notes in Circulation; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Corporations and Copartnerships carrying on Banking Business under the Provisions of an Act passed in the Seventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better regulating Copartnerships of certain Bankers in England, and for amending so much of an Act of the Thirty-ninth*

Partnerships and Persons carrying on Banking Business, and issuing Promissory Notes, to keep Accounts of the

CAP. LXXXI.

An Act to authorize the Application of Part of the Land Revenue of the Crown for providing Fixtures, Furniture, Fittings, and Decorations for *Buckingham Palace*.
[28th August 1833.]

10 G. 4. c. 50.

‘ **W**HEREAS by an Act passed in the Tenth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Management and Improvement of His Majesty's Woods, Forests, Parks, and Chases; of the Land Revenue of the Crown within the Survey of the Exchequer in England; and of the Land Revenue of the Crown in Ireland; and for extending certain Provisions relating to the same to the Isles of Man and Alderney*, it was enacted, that all the Land Revenues whatsoever (Advowsons of Churches and Vicarages only excepted) which belonged to His Majesty within the Ordering or Survey of the Court of Exchequer in *England or Wales, in Ireland, in the Isle of Man and its Dependencies, and the Isle of Alderney*, should be under the Management of the Commissioners of His Majesty's Woods, Forests, and Land Revenues, and of their Successors; and it was thereby further enacted, that the annual Income of all the said Possessions and Land Revenues of the Crown to which that Act related, including Fines on Leases, and all other Sums received in respect of such Leases, or otherwise for or in respect of the said Possessions and Land Revenues (except from Sales or Exchanges), should be applied in manner following; that is to say, in the first place, in Payment of the Costs, Charges, and Expences attending the Management of the said Possessions and Land Revenues; in the next place, in the Payment and Discharge of any annual Sum or Sums of Money, or any Pensions, then already charged or to be charged thereon respectively, and in the Payment of any other Principal Sum, and the Interest of any Principal Sum or Sums of Money which was then already or might be thereafter charged upon the said Possessions and Land Revenues; in the next place so much of the Monies to arise from the said annual Income as the Lord High Treasurer or the Commissioners of His Majesty's Treasury for the Time being should from Time to Time think proper should be applied towards the Payment and Discharge of the Costs, Charges, and Expences of the Repairs, Alterations, and Improvements of *Buckingham House*, and the Buildings, Offices, and Grounds appertaining and belonging thereto, provided that the Sum to be so applied under the now reciting Act to such Repairs, Alterations, and Improvements should not exceed the Sum of One hundred and fifty thousand Pounds, over and above the Sum of Three hundred and forty-six thousand Pounds which had been then already applied thereto previous to the passing of the now reciting Act; and, subject to the Applications aforesaid, the said annual Income should during the Life of His then present Majesty be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, and from and after the Demise of His then present Majesty should be payable and paid to the King's Majesty, His Heirs
‘ and

‘ and Successors: And whereas by an Act passed in the First Year
 ‘ of the Reign of His present Majesty, intituled *An Act for the* 1 W. 4. c. 25.
 ‘ *Support of His Majesty’s Household, and of the Honour and Dignity*
 ‘ *of the Crown of the United Kingdom of Great Britain and Ireland,*
 ‘ it was (amongst other things) enacted, that the Produce of the
 ‘ Hereditary Rates, Duties, Payments, and Revenues in *England*
 ‘ and *Ireland* respectively therein mentioned, which at the Time of
 ‘ the Decease of His late Majesty King *George* the Fourth made
 ‘ Part of the Consolidated Fund of the United Kingdom of *Great*
 ‘ *Britain and Ireland,* and also the small Branches of the Here-
 ‘ ditary Revenue and the Produce of the Hereditary Casual Re-
 ‘ venues, therein mentioned, which had accrued since the Decease
 ‘ of His said late Majesty, and which should not have been applied
 ‘ and distributed in the Payment of any Charge thereupon respec-
 ‘ tively, or which should accrue during the Life of His present
 ‘ Majesty, should be carried to and made Part of the Consolidated
 ‘ Fund of the United Kingdom of *Great Britain and Ireland,* and
 ‘ after the Decease of His present Majesty all the said Hereditary
 ‘ Revenues, including the Duties on Beer, Ale, and Cider, should
 ‘ be payable and paid to His Heirs and Successors: And whereas
 ‘ by an Act passed in the Second Year of the Reign of His present
 ‘ Majesty, intituled *An Act for uniting the Office of the Surveyor* 2 W. 4. c. 1.
 ‘ *General of His Majesty’s Works and Public Buildings with the*
 ‘ *Office of the Commissioners of His Majesty’s Woods, Forests, and*
 ‘ *Land Revenues, and for other Purposes relating to the Land Re-*
 ‘ *venues,* it was enacted, that it should be lawful for His Majesty,
 ‘ His Heirs and Successors, by Letters Patent under the Great Seal,
 ‘ to appoint, in the Place of the Commissioners of His Majesty’s
 ‘ Woods, Forests, and Land Revenues, and of the Surveyor Ge-
 ‘ neral of His Majesty’s Works and Public Buildings, any Persons
 ‘ not exceeding Three in Number, to be Commissioners for per-
 ‘ forming the Duties and exercising the Powers then performed and
 ‘ exercisable by the Commissioners of His Majesty’s Woods, Forests,
 ‘ and Land Revenues, and the Duties and Powers then performed
 ‘ and exercisable by the Surveyor General of His Majesty’s Works
 ‘ and Public Buildings, and that the Persons so first appointed and
 ‘ their Successors should be called “ The Commissioners of His
 ‘ Majesty’s Woods, Forests, Land Revenues, Works, and Build-
 ‘ ings;” and the said Commissioners were by the said Act em-
 ‘ powered to exercise and carry into effect all the Powers and
 ‘ Provisions contained in the said recited Act of the Tenth Year
 ‘ of the Reign of His late Majesty King *George* the Fourth, either
 ‘ expressly or by reference to any other Acts: And whereas the
 ‘ Repairs, Alterations, and Improvements of *Buckingham Palace,*
 ‘ and the Buildings, Offices, and Grounds appertaining thereto, in
 ‘ which the said Sum of One hundred and fifty thousand Pounds
 ‘ was by the said recited Act of the Tenth Year of the Reign of His
 ‘ late Majesty King *George* the Fourth authorized and directed to
 ‘ be laid out and expended, are nearly completed and finished;
 ‘ and in order to render the said Palace a suitable Residence for
 ‘ His Majesty it is expedient that a certain Portion of the Produce
 ‘ arising to His Majesty by the Rents of Messuages, Lands, and
 ‘ other Hereditaments in *England* and *Ireland,* and by the Fines on
 ‘ Leases of the same, or any of them, now forming Part of the
 ‘ Hereditary

Hereditary Revenues belonging to His Majesty in right of His Crown, under the Care and Management of the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings, by virtue of the said recited Acts of the Tenth Year of the Reign of His late Majesty and the Second Year of the Reign of His present Majesty, should be made applicable, by and with the Consent and Approbation of the Lord High Treasurer or the Commissioners of His Majesty's Treasury for the Time being, to the Purpose of defraying the Costs, Charges, and Expences of completing and perfecting the Finishings of the said Palace, and of providing Fixtures, Furniture, and Decorations necessary and requisite for the same.' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the said Lord High Treasurer or the Commissioners of His Majesty's Treasury for the Time being, or any Three of them, from Time to Time to direct and authorize the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings to pay and apply, out of the Produce of the said Hereditary Land Revenues of the Crown now under their Care and Management as aforesaid, such Sum or Sums of Money as they shall think necessary and expedient, not exceeding in the whole the Sum of Fifty-five thousand Pounds, towards the Payment and Discharge of the Costs, Charges, and Expences of such Finishings, Fixtures, Furniture, and Decorations.

A Sum not exceeding 55,000*l.* to be paid out of the Hereditary Land Revenues of the Crown for Expences of Finishings, Fixtures, and Furniture of Buckingham Palace.

Such Payments to have Precedence of all others arising from the Land Revenues.

II. And be it further enacted, That the Payment of such Sum or Sums of Money herein-before authorized to be made shall be prior to and take Precedence of the Payment or Application of any Sum or Sums of Money arising from the said Land Revenues for the Purposes of the Consolidated Fund; but that the said Land Revenues shall nevertheless remain subject and liable to the Costs and Charges attending the Management thereof, and the Payment or Discharge of any Sum or Sums of Money, or any Pensions, which may be now already charged thereon, or to the Payment whereof the same now are or may hereafter become liable under or by virtue of any Act or Acts of Parliament relating to the said Land Revenues, any Act or Acts of Parliament relating to or concerning the said Revenues to the contrary thereof in anywise notwithstanding.

CAP. LXXXII.

An Act to allow the People called Separatists to make a solemn Affirmation and Declaration instead of an Oath.

[28th August 1833.]

WHEREAS there are in various Places in *Ireland*, and in some Parts of *England*, and elsewhere, certain Dissenters from the United Church of *England* and *Ireland*, and from the Church of *Scotland*, commonly called Separatists, the Members of which Class or Sect of Dissenters, from conscientious Scruples, refuse to take an Oath in Courts of Justice and other Places, and in consequence thereof are exposed to great Losses and Inconveniences in their Trades and Concerns, and are subject to Fines and to Imprisonment for Contempt of Court, and the Community

Community at large are deprived of the Benefit of their Testimony: And whereas it is therefore expedient that the said Sect called Separatists should be relieved in manner herein-after mentioned; be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Person for the Time being belonging to the said Sect called Separatists, who shall be required upon any lawful Occasion to take an Oath in any Case where by Law an Oath is or may be required, shall, instead of the usual Form, be permitted to make his or her solemn Affirmation or Declaration in these Words following; *videlicet*,

Separatists, instead of an Oath, may make the following Affirmation.

‘ I *A. B.* do, in the Presence of Almighty God, solemnly, sincerely, and truly affirm and declare that I am a Member of the Religious Sect called Separatists, and that the taking of any Oath is contrary to my Religious Belief, as well as essentially opposed to the Tenets of that Sect; and I do also in the same solemn Manner affirm and declare’

Which said solemn Affirmation or Declaration shall be adjudged and taken and is hereby enacted and declared to be of the same Force and Effect, to all Intents and Purposes, in all Courts of Justice and other Places whatsoever where by Law an Oath is or may be required, as if such Separatists had taken an Oath in the usual Form.

Such Affirmation shall have the Effect of an Oath.

II. And be it further enacted, That if any Person making such solemn Affirmation or Declaration shall in fact not be one of the People commonly called Separatists, or shall wilfully, falsely, and corruptly affirm or declare any other Matter or Thing which if the same had been sworn in the usual Form would have amounted to wilful and corrupt Perjury, every such Person so offending shall incur the same Penalties and Forfeitures as by the Laws and Statutes of this Kingdom are or may be enacted or provided against Persons convicted of wilful and corrupt Perjury.

Persons making a false Affirmation to be subject to the same Punishment as for Perjury.

CAP. LXXXIII.

An Act to compel Banks issuing Promissory Notes payable to Bearer on Demand to make Returns of their Notes in Circulation, and to authorize Banks to issue Notes payable in *London* for less than Fifty Pounds.

[28th August 1833.]

‘ WHEREAS it is expedient that all Corporations, Copartnerships, and Persons carrying on Banking Business, and making and issuing Promissory Notes payable to Bearer on Demand, should make Returns of the Amount of such Notes in Circulation;’ be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Corporations and Copartnerships carrying on Banking Business under the Provisions of an Act passed in the Seventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better regulating Copartnerships of certain Bankers in England, and for amending so much of an Act of the Thirty-ninth*

Partnerships and Persons carrying on Banking Business, and issuing Promissory Notes, to keep Accounts of the

Proviso.

The Duties of Chaff Wax and Sealer, as Vacancies occur, shall respectively be performed by the Purse-bearer.

Duties of Clerk of Presentations and Clerk of Dispersations and Faculties, as Vacancies occur, shall respectively be performed by Secretary of Presentations.

Clerk of the Crown in Chancery and Clerk of the Patents to be appointed by the Crown as Vacancies occur.

Apportionment of Salaries.

Persons by whom he shall be appointed; and all the Acts to be done by the said Secretary of Lunatics in performance of the said Duties of Clerk of the Custodies of Idiots and Lunatics shall in all respects have the same Force and Effect as if the same had been performed by the said Clerk of the Custodies or his Deputy: Provided always, that it shall be lawful for the Person or Persons intrusted as aforesaid to make such Rules and Regulations in regard to the Duties of such Secretary, including such Duties as he shall perform by virtue of this Act, and to alter or vary the same, as he or they shall think fit.

II. And be it further enacted, That the said Lord Chancellor, Lord Keeper, or Lords Commissioners for the Time being shall have as heretofore an Officer called "The Purse-bearer to the Lord Chancellor," and a certain other Secretary, called "The Secretary of Presentations;" and that from and after the Time and Times when and as the Offices before mentioned of Chaff Wax and Sealer, and each of them, shall respectively become vacant by the Death, Resignation, or Removal of the present respective Holders thereof, all and every the Duties of such several Offices shall be performed by the said Purse-bearer for the Time being; and that when and as the Offices of Clerk of the Presentations and of Clerk of Dispersations and Faculties, and each of them, shall respectively become vacant by the Death, Resignation, or Removal of the present respective Holders thereof, all and every the Duties of such several Offices shall be performed by the Secretary of Presentations for the Time being; and that all Acts to be done by the said Purse-bearer in performance of the Duties of Chaff Wax and Sealer shall in all respects have the same Force and Effect as if the same had been done by the said Officers called Chaff Wax and Sealer; and that all Acts to be done by the said Secretary of Presentations in performance of the said Duties of Clerk of the Presentations and Clerk of Dispersations and Faculties shall in all respects have the same Force and Effect as if the same had been done by the Clerk of the Presentations and the Clerk of Dispersations and Faculties.

III. And be it further enacted, That it shall and may be lawful for His Majesty, His Heirs and Successors, from Time to Time under Their Royal Sign Manual to nominate and appoint fit Persons to fill the said several other before-mentioned Offices of Clerk of the Crown in Chancery and Clerk of the Patents, as Vacancies may from Time to Time occur therein; and that such Persons so to be nominated and appointed shall hold their respective Offices during good Behaviour, notwithstanding the Demise of His Majesty or any of His Heirs or Successors, any thing in the said recited Act to the contrary notwithstanding.

IV. And be it further enacted, That from and after the said Twentieth Day of August One thousand eight hundred and thirty-three as to the said Office of Clerk of the Letters Patent, and from and after the Death, Resignation, or Removal respectively of the several Holders of the said other Offices, there shall be paid to the Clerk of the Crown in Chancery the yearly Salary of Eight hundred Pounds; to the Clerk of the Patents the yearly Salary of Four hundred Pounds; to the Secretary of Lunatics, for Expences attending the Office of Clerk of the Custodies of Idiots and Lunatics, the yearly Sum of Two hundred Pounds; to the Purse-bearer the yearly

Sum

Sum of Fifty Pounds for the Expences of the Office of Chaff Wax, and for the Expences of the Office of Sealer the like yearly Sum of Fifty Pounds; and to the Secretary of Presentations, for the Expences of the Office of Clerk of the Presentations, the yearly Sum of Fifty Pounds, and for the Expences of the Office of Clerk of Dispensations and Faculties the like yearly Sum of Fifty Pounds.

V. And be it further enacted, That from and after the Time when the Office of the Keeper or Clerk of the Hanaper shall become vacant by the Death, Resignation, or Removal of the present Holder thereof, all and every the Duties of the said Office of Keeper or Clerk of the Hanaper shall be performed by the Clerk of the Crown in Chancery, to be appointed by virtue of this Act; and all Acts to be done by the said Clerk of the Crown in performance of such last-mentioned Duties shall in all respects be of the same Force and Effect as if the same had been done by the said Keeper or Clerk of the Hanaper; and that there shall be paid to the said Clerk of the Crown for the said Duties of Keeper or Clerk of the Hanaper the yearly Salary of Two hundred Pounds: Provided always, that if the said Office of the now Keeper or Clerk of the Hanaper shall become vacant before any Vacancy shall occur in the Office of the now Clerk of the Crown, that then and in such Case only the Duties of the said Office of Keeper or Clerk of the Hanaper shall be performed by the Deputy of the now Clerk of the Crown, until a Vacancy shall occur in the Office of the said now Clerk of the Crown, in the same Manner as if such Deputy were Clerk of the Crown appointed by virtue of this Act, and that there shall be paid to such Deputy for the said Duties of Keeper or Clerk of the Hanaper the aforesaid yearly Salary of Two hundred Pounds.

VI. And be it further enacted, That the said several Salaries shall be taken in full Satisfaction for the Duties of the said Offices respectively, and of all Expences incident to the Performance thereof.

VII. And be it further enacted, That it shall and may be lawful for the several Persons who by virtue of this Act shall hereafter hold or perform the Duties of the said several Offices of Keeper or Clerk of the Hanaper, Clerk of the Crown in Chancery, Clerk of the Patents, Clerk of the Custodies of Lunatics and Idiots, Chaff Wax, Sealer, Clerk of the Presentations, and Clerk of Dispensations and Faculties, to have, receive, and take all and every the Fees and Emoluments which have been accustomed to be paid and which of right ought to be paid to the said several Officers respectively, or to any Deputy or Clerk of such several Officers, in respect of the said several Offices, as the same would have been payable if this Act and the said recited Act had not been passed; and that such Fees and Emoluments shall be accounted for once in every Three Months, commencing in the first instance from the Date of such Appointments respectively, and shall be paid by the said Officers respectively into the Receipt of His Majesty's Exchequer, and be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*; and the Account of the Party so paying such Fees shall be verified by his Oath, which Oath any One of the Masters in Ordinary of the High Court of Chancery is hereby required and authorized to administer.

VIII. And be it further enacted, That the said several Salaries or Sums herein-before directed to be paid shall be issued and payable

[No. 55. Price 2d.]

3 I

Regulations of Office and Salary of Clerk of the Hanaper.

Salaries to be in full Satisfaction of Duties.

Fees to be accounted for and paid into His Majesty's Exchequer, and made Part of Consolidated Fund.

In what Manner the Salaries of Officers are to be paid.

able out of and be charged and chargeable upon the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, after paying or reserving sufficient to pay all such Sum or Sums of Money as have been directed under any former Act or Acts to be paid out of the same Fund; and the said Salaries or Sums shall from Time to Time be paid and payable quarterly, free and clear of and over and above all Fees, Rates, Taxes, and Deductions whatsoever, at the Four usual Days of Payment in the Year, that is to say, the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October* in each Year, in even and equal Portions, the first Payment to be made on such of the said Days as shall next happen after the Appointment or Succession to the said Offices respectively shall have taken place.

IX. 'And whereas the Office of Clerk of Inrolments in Bankruptcy is by the said recited Act also directed to cease as therein specified, but Power to re-appoint to the said Office is given by the Act next herein mentioned;' be it enacted, That the said Office shall and may continue and be in force, and that fit and proper Persons may be from Time to Time appointed to the same, with all the Powers, Authorities, and Duties, Fees, Rights, and Privileges, given to or imposed upon the said Office by an Act passed in the Second and Third Years of the Reign of His present Majesty, intituled *An Act to amend the Laws relating to Bankrupts*, any thing in the said first-recited Act to the contrary thereof notwithstanding.

CAP. LXXXV.

An Act for effecting an Arrangement with the *East India Company*, and for the better Government of His Majesty's *Indian Territories*, till the Thirtieth Day of *April* One thousand eight hundred and fifty-four.

[28th August 1855.]

'WHEREAS by an Act passed in the Fifty-third Year of the Reign of His Majesty King *George the Third*, intituled *An Act for continuing in the East India Company for a further Term the Possession of the British Territories in India, together with certain exclusive Privileges; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; and for regulating the Trade to and from the Places within the Limits of the said Company's Charter*, the Possession and Government of the *British Territories in India* were continued in the United Company of Merchants of *England* trading to the *East Indies* for a Term therein mentioned: And whereas the said Company are entitled to or claim the Lordships and Islands of *St. Helena* and *Bombay* under Grants from the Crown, and other Property to a large Amount in Value, and also certain Rights and Privileges not affected by the Determination of the Term granted by the said recited Act: And whereas the said Company have consented that all their Rights and Interests to or in the said Territories, and all their Territorial and Commercial, Real and Personal Assets and Property whatsoever, shall, subject to the Debts and Liabilities now affecting the same, be placed at the Disposal of Parliament

Re-appointment of Clerk of Inrolments in Bankruptcy agreeably to Act 2 & 3 W. 4. c. 114.

58 G. 3. c. 155.

‘ in consideration of certain Provisions herein-after mentioned, and
 ‘ have also consented that their Right to trade for their own Profit
 ‘ in common with other His Majesty’s Subjects be suspended during
 ‘ such Time as the Government of the said Territories shall be
 ‘ confided to them: And whereas it is expedient that the said
 ‘ Territories now under the Government of the said Company be
 ‘ continued under such Government, but in Trust for the Crown
 ‘ of the United Kingdom of *Great Britain* and *Ireland*, and dis-
 ‘ charged of all Claims of the said Company to any Profit there-
 ‘ from to their own Use, except the Dividend herein-after secured
 ‘ to them, and that the Property of the said Company be continued
 ‘ in their Possession and at their Disposal, in Trust for the Crown,
 ‘ for the Service of the said Government, and other Purposes in
 ‘ this Act mentioned:’ Be it therefore enacted by the King’s most
 Excellent Majesty, by and with the Advice and Consent of the
 Lords Spiritual and Temporal, and Commons, in this present Par-
 liament assembled, and by the Authority of the same, That from
 and after the Twenty-second Day of *April* One thousand eight
 hundred and thirty-four the Territorial Acquisitions and Revenues
 mentioned or referred to in the said Act of the Fifty-third Year
 of His late Majesty King *George* the Third, together with the Port
 and Island of *Bombay*, and all other Territories now in the Pos-
 session and under the Government of the said Company, except
 the Island of *St. Helena*, shall remain and continue under such
 Government until the Thirtieth Day of *April* One thousand eight
 hundred and fifty-four; and that all the Lands and Hereditaments,
 Revenues, Rents, and Profits of the said Company, and all the
 Stores, Merchandize, Chattels, Monies, Debts, and Real and Per-
 sonal Estate whatsoever, except the said Island of *St. Helena*, and
 the Stores and Property thereon herein-after mentioned, subject to
 the Debts and Liabilities now affecting the same respectively, and
 the Benefit of all Contracts, Covenants, and Engagements, and all
 Rights to Fines, Penalties, and Forfeitures, and other Emoluments
 whatsoever, which the said Company shall be seised or possessed of
 or entitled unto on the said Twenty-second Day of *April* One
 thousand eight hundred and thirty-four, shall remain and be vested
 in, and be held, received, and exercised respectively, according to
 the Nature and Quality, Estate and Interest of and in the same
 respectively, by the said Company, in Trust for His Majesty, His
 Heirs and Successors, for the Service of the Government of *India*,
 discharged of all Claims of the said Company to any Profit or
 Advantage therefrom to their own Use, except the Dividend on
 their Capital Stock, secured to them as herein-after is mentioned,
 subject to such Powers and Authorities for the Superintendence,
 Direction, and Control over the Acts, Operations, and Concerns of
 the said Company as have been already made or provided by any
 Act or Acts of Parliament in that Behalf, or are made or provided
 by this Act.

II. And be it enacted, That all and singular the Privileges,
 Franchises, Abilities, Capacities, Powers, Authorities, whether Mil-
 itary or Civil, Rights, Remedies, Methods of Suit, Penalties, For-
 feitures, Disabilities, Provisions, Matters, and Things whatsoever
 granted to or continued in the said United Company by the said
 Act of the Fifty-third Year of King *George* the Third, for and during

The British
Territories in
India to remain
under the Go-
vernment of the
Company till
30th April 1854.

Real and Per-
sonal Property
of the Com-
pany to be held
in Trust for the
Crown, for the
Service of India.

All Privileges,
Powers, &c.
granted by
58 G. 3. c. 155.
for the Term
thereby limited;
and all Enact-
ments not re-
pugnant to this
Act;

the Term limited by the said Act, and all other the Enactments, Provisions, Matters, and Things contained in the said Act, or in any other Act or Acts whatsoever, which are limited or may be construed to be limited to continue for and during the Term granted to the said Company by the said Act of the Fifty-third Year of King *George* the Third, so far as the same or any of them are in force, and not repealed by or repugnant to the Enactments herein-after contained, and all Powers of Alienation and Disposition, Rights, Franchises, and Immunities, which the said United Company now have, shall continue and be in force, and may be exercised and enjoyed, as against all Persons whomsoever, subject to the Superintendence, Direction, and Control herein-before mentioned, until the Thirtieth Day of *April* One thousand eight hundred and fifty-four.

as also all Rights and Immunities of the Company, to be in force until April 1854, subject to Control.

From 22d April 1834, China and Tea Trade of Company to cease.

Company to close their Commercial Business, and to sell their Property not retained for Government.

Company not prevented selling Goods the Property of other Persons.

Board of Control to superintend the Sale of the Property, the Reduction of the Commercial Establishments, Payment of Commercial Claims, &c.

Board to appoint Officers to attend them during the

III. Provided always, and be it enacted, That from and after the said Twenty-second Day of *April* One thousand eight hundred and thirty-four the exclusive Right of trading with the Dominions of the Emperor of *China*, and of trading in Tea, continued to the said Company by the said Act of the Fifty-third Year of King *George* the Third, shall cease.

IV. And be it enacted, That the said Company shall, with all convenient Speed after the said Twenty-second Day of *April* One thousand eight hundred and thirty-four, close their Commercial Business, and make sale of all their Merchandize, Stores, and Effects at Home and Abroad, distinguished in their Account Books as Commercial Assets, and all their Warehouses, Lands, Tenements, Hereditaments, and Property whatsoever which may not be retained for the Purposes of the Government of the said Territories, and get in all Debts due to them on account of the Commercial Branch of their Affairs, and reduce their Commercial Establishments as the same shall become unnecessary, and discontinue and abstain from all Commercial Business which shall not be incident to the closing of their actual Concerns, and to the Conversion into Money of the Property herein-before directed to be sold, or which shall not be carried on for the Purposes of the said Government.

V. Provided always, and be it enacted, That nothing herein contained shall prevent the said Company from selling, at the Sales of their own Goods and Merchandize by this Act directed or authorized to be made, such Goods and Merchandize the Property of other Persons as they may now lawfully sell at their public Sales.

VI. And be it enacted, That the Board of Commissioners for the Affairs of *India* shall have full Power to superintend, direct, and control the Sale of the said Merchandize, Stores, and Effects, and other Property herein-before directed to be sold, and to determine from Time to Time, until the said Property shall be converted into Money, what Parts of the said Commercial Establishments shall be continued and reduced respectively, and to control the Allowance and Payment of all Claims upon the said Company connected with the Commercial Branch of their Affairs, and generally to superintend and control all Acts and Operations whatsoever of the said Company whereby the Value of the Property of the said Company may be affected; and the said Board shall and may appoint such Officers as shall be necessary to attend upon the said Board during the winding-up of the Commercial Business of the said Company; and that the

Charge of such Salaries or Allowances as His Majesty shall, by any Warrant or Warrants under His Sign Manual, countersigned by the Chancellor of the Exchequer for the Time being, direct to be paid to such Officers, shall be defrayed by the said Company, as herein-after mentioned, in addition to the ordinary Charges of the said Board.

winding-up of
the Commercial
Business.

VII. And be it enacted, That it shall be lawful for the said Company to take into consideration the Claims of any Persons now or heretofore employed by or under the said Company, or the Widows and Children of any such Persons, whose Interests may be affected by the Discontinuance of the said Company's Trade, or who may from Time to Time be reduced, and, under the Control of the said Board, to grant such Compensations, Superannuations, or Allowances (the Charge thereof to be defrayed by the said Company as herein-after mentioned) as shall appear reasonable: Provided always, that no such Compensations, Superannuations, or Allowances shall be granted until the Expiration of Two Calendar Months after Particulars of the Compensation, Superannuation, or Allowance proposed to be so granted shall have been laid before both Houses of Parliament.

The Company
may consider
Claims of Com-
mercial Officers
reduced, and,
under the Con-
trol of the
Board, grant
Compensations.

VIII. Provided always, and be it enacted, That within the first Fourteen sitting Days after the first meeting of Parliament in every Year there be laid before both Houses of Parliament the Particulars of all Compensations, Superannuations, and Allowances so granted, and of the Salaries and Allowances directed to be paid to such Officers as may be appointed by the said Board as aforesaid during the preceding Year.

The Particulars
thereof to be
laid before Par-
liament every
Year.

IX. And be it enacted, That from and after the said Twenty-second Day of *April* One thousand eight hundred and thirty-four all the Bond Debt of the said Company in *Great Britain*, and all the Territorial Debt of the said Company in *India*, and all other Debts which shall on that Day be owing by the said Company, and all Sums of Money, Costs, Charges, and Expences which after the said Twenty-second Day of *April* One thousand eight hundred and thirty-four may become payable by the said Company in respect or by reason of any Covenants, Contracts, or Liabilities then existing, and all Debts, Expences, and Liabilities whatever which after the same Day shall be lawfully contracted and incurred on account of the Government of the said Territories, and all Payments by this Act directed to be made, shall be charged and chargeable upon the Revenues of the said Territories; and that neither any Stock or Effects which the said Company may hereafter have to their own Use, nor the Dividend by this Act secured to them, nor the Directors or Proprietors of the said Company, shall be liable to or chargeable with any of the said Debts, Payments, or Liabilities.

Company's
Debts and
Liabilities
charged on
India.

X. Provided always, and be it enacted, That so long as the Possession and Government of the said Territories shall be continued to the said Company all Persons and Bodies Politic shall and may have and take the same Suits, Remedies, and Proceedings, legal and equitable, against the said Company, in respect of such Debts and Liabilities as aforesaid, and the Property vested in the said Company in Trust as aforesaid shall be subject and liable to the same Judgments and Executions, in the same Manner and Form

While *India* is
under Govern-
ment of the
Company, their
Property to con-
tinue subject to
Execution.

respectively as if the said Property were hereby continued to the said Company to their own Use.

A Dividend of 10*l.* 10*s.* per Cent. per Ann. to be paid on Company's Stock by half-yearly Payments in Great Britain.

XI. And be it enacted, That out of the Revenues of the said Territories there shall be paid to or retained by the said Company, to their own Use, a yearly Dividend after the Rate of Ten Pounds Ten Shillings *per Centum per Annum* on the present Amount of their Capital Stock; the said Dividend to be payable in *Great Britain*, by equal half-yearly Payments, on the Sixth Day of *January* and the Sixth Day of *July* in every Year; the first half-yearly Payment to be made on the Sixth Day of *July* One thousand eight hundred and thirty-four.

Dividend to be subject to Redemption by Parliament after April 1874, on Payment of 200*l.* for 100*l.* Stock.

XII. Provided always, and be it enacted, That the said Dividend shall be subject to Redemption by Parliament upon and at any Time after the Thirtieth Day of *April* One thousand eight hundred and seventy-four, on Payment to the Company of Two hundred Pounds Sterling for every One hundred Pounds of the said Capital Stock, together with a proportionate Part of the same Dividend, if the Redemption shall take place on any other Day than one of the said half-yearly Days of Payment: Provided also, that Twelve Months Notice in Writing, signified by the Speaker of the House of Commons by the Order of the House, shall be given to the said Company of the Intention of Parliament to redeem the said Dividend.

Notice of Redemption.

If Company deprived of the Government of India, they may demand Redemption of the Dividend.

XIII. Provided always, and be it enacted, That if on or at any Time after the said Thirtieth Day of *April* One thousand eight hundred and fifty-four the said Company shall, by the Expiration of the Term hereby granted, cease to retain, or shall by the Authority of Parliament be deprived of the Possession and Government of the said Territories, it shall be lawful for the said Company within One Year thereafter to demand the Redemption of the said Dividend, and Provision shall be made for redeeming the said Dividend, after the Rate aforesaid, within Three Years after such Demand.

Company to pay to Commissioners for Reduction of National Debt 2,000,000*l.*;

XIV. And be it enacted, That there shall be paid by the said Company into the Bank of *England*, to the Account of the Commissioners for the Reduction of the National Debt, such Sums of Money as shall in the whole amount to the Sum of Two Millions Sterling, with Compound Interest after the Rate of Three Pounds Ten Shillings *per Centum per Annum*, computed half-yearly from the said Twenty-second Day of *April* One thousand eight hundred and thirty-four, on so much of the said Sums as shall from Time to Time remain unpaid; and the Cashiers of the said Bank shall receive all such Sums of Money, and place the same to a separate Account with the said Commissioners, to be intituled "The Account of the Security Fund of the *India* Company;" and that as well the Monies so paid into the said Bank as the Dividends or Interest which shall arise therefrom shall from Time to Time be laid out, under the Direction of the said Commissioners, in the Purchase of Capital Stock in any of the redeemable Public Annuities transferrable at the Bank of *England*; which Capital Stock so purchased shall be invested in the Names of the said Commissioners on account the said Security Fund, and the Dividends payable thereon shall be received by the said Cashiers and placed

to be placed to Account of Security Fund of the Company.

Monies and Dividends to be laid out in Securities, and Dividends

to the said Account, until the whole of the Sums so received on such Account shall have amounted to the Sum of Twelve Millions Sterling; and the said Monies, Stock, and Dividends, or Interest, shall be a Security Fund for better securing to the said Company the Redemption of their said Dividend after the Rate herein-before appointed for such Redemption.

XV. Provided always, and be it enacted, That it shall be lawful for the said Commissioners for the Reduction of the National Debt from Time to Time, and they are hereby required, upon Requisition made for that Purpose by the Court of Directors of the said Company, to raise and pay to the said Company such Sums of Money as may be necessary for the Payment of the said Company's Dividend by reason of any Failure or Delay of the Remittances of the proper Funds for such Payment; such Sums of Money to be raised by Sale or Transfer or Deposit by way of Mortgage of a competent Part of the said Security Fund, according as the said Directors, with the Approbation of the said Board, shall direct; to be repaid into the Bank of *England* to the Account of the Security Fund, with Interest after such Rate as the Court of Directors, with the Approbation of the said Court, shall fix, out of the Remittances which shall be made for answering such Dividend, as and when such Remittances shall be received in *England*.

XVI. Provided always, and be it enacted, That all Dividends on the Capital Stock forming the said Security Fund accruing after the Monies received by the said Bank to the Account of such Fund shall have amounted to the Sum of Twelve Millions Sterling, until the said Fund shall be applied to the Redemption of the said Company's Dividend, and also all the said Security Fund, or so much thereof as shall remain after the said Dividend shall be wholly redeemed after the Rate aforesaid, shall be applied in aid of the Revenues of the said Territories.

XVII. And be it enacted, That the said Dividend on the Company's Capital Stock shall be paid or retained as aforesaid out of such Part of the Revenues of the said Territories as shall be remitted to *Great Britain*, in preference to all other Charges payable thereout in *Great Britain*; and that the said Sum of Two Millions Sterling shall be paid in manner aforesaid out of any Sums which shall on the said Twenty-second Day of *April* One thousand eight hundred and thirty-four be due to the said Company from the Public as and when the same shall be received, and out of any Monies which shall arise from the Sale of any Government Stock on that Day belonging to the said Company, in preference to all other Payments thereout; and that, subject to such Provisions for Priority of Charge, the Revenues of the said Territories, and all Monies which shall belong to the said Company on the said Twenty-second Day of *April* One thousand eight hundred and thirty-four, and all Monies which shall be thereafter received by the said Company from and in respect of the Property and Rights vested in them in Trust as aforesaid, shall be applied to the Service of the Government of the said Territories, and in defraying all Charges and Payments by this Act created, or confirmed and directed to be made respectively, in such Order as the said Court of Directors, under the Control of the said Board, shall from Time to Time direct; any thing in any other Act or Acts contained to the contrary notwithstanding.

placed to same Account, until the whole amounts to 12 Millions.

Commissioners for Reduction of National Debt, upon Requisition of Court, may raise Money for paying the Dividend in case of Failure or Delay of Remittance of proper Funds.

Application of Dividends of Security Fund and the Fund itself in aid of Revenues.

Company's Dividends to be paid out of Revenues in preference to other Charges, and 2,000,000*l.* to be paid out of Debt due from the Public and by Sale of Stock.

Subject to such Priorities, Revenues and Monies to be applied to Service of India and Purposes of this Act, under Control.

Not to prejudice Persons claiming under a Covenant between the Company and the Creditors of the Nabobs of Arcot, &c.

XVIII. Provided also, and be it enacted, That nothing herein contained shall be construed or operate to the Prejudice of any Persons claiming or to claim under a Deed of Covenants dated the Tenth Day of *July* One thousand eight hundred and five, and made between the said Company of the one Part, and the several Persons whose Hands should be thereto set and affixed, and who respectively were or claimed to be Creditors of His Highness the Nabob *Wallah Jah*, formerly Nabob of *Arcot* and of the *Carnatic* in the *East Indies*, and now deceased, and of His Highness the Nabob *Omdul Omrah*, late Nabob of *Arcot* and of the *Carnatic*, and now also deceased, and of His Highness the *Ameer ul Omrah*, of the other Part.

His Majesty may appoint Commissioners for the Affairs of India.

XIX. And be it enacted, That it shall and may be lawful for His Majesty by any Letters Patent, or by any Commission or Commissions to be issued under the Great Seal of *Great Britain*, from Time to Time to nominate, constitute, and appoint, during Pleasure, such Persons as His Majesty shall think fit to be, and who shall accordingly be and be styled, Commissioners for the Affairs of *India*; and every Enactment, Provision, Matter, and Thing relating to the Commissioners for the Affairs of *India* in any other Act or Acts contained, so far as the same are in force and not repealed by or repugnant to this Act, shall be deemed and taken to be applicable to the Commissioners to be nominated as aforesaid.

Ex officio Commissioners.

XX. And be it enacted, That the Lord President of the Council, the Lord Privy Seal, the First Lord of the Treasury, the Principal Secretaries of State, and the Chancellor of the Exchequer for the Time being shall, by virtue of their respective Offices, be and they are hereby declared to be Commissioners for the Affairs of *India*, in conjunction with the Persons to be nominated in any such Commission as aforesaid, and they shall have the same Powers respectively as if they had been expressly nominated in such Commission, in the order in which they are herein mentioned, next after the Commissioner first named therein.

Two Commissioners may form a Board;

first-named to be President; in his Absence the next in order.

XXI. And be it enacted, That any Two or more of the said Commissioners shall and may form a Board for executing the several Powers which by this Act, or by any other Act or Acts, are or shall be given to or vested in the Commissioners for the Affairs of *India*; and that the Commissioner first named in any such Letters Patent or Commission, for the Time being, shall be the President of the said Board; and that when any Board shall be formed in the Absence of the President, the Commissioner next in order of Nomination in this Act or in the said Commission, of those who shall be present, shall for that Turn preside at the said Board.

President and occasional President to have the casting Vote.

XXII. And be it enacted, That if the Commissioners present at any Board shall be equally divided in Opinion with respect to any Matter by them discussed, then and on every such Occasion the President, or in his Absence the Commissioner acting as such, shall have Two Voices or the casting Vote.

The Board to appoint Two Secretaries and other Officers.

XXIII. And be it enacted, That the said Board shall and may nominate and appoint Two Secretaries, and such other Officers as shall be necessary, to attend upon the said Board, who shall be subject to Dismission at the Pleasure of the said Board; and each of the said Secretaries shall have the same Powers, Rights, and Privileges as by any Act or Acts now in force are vested in the Chief

Chief Secretary of the Commissioners for the Affairs of *India*; and that the President of the said Board, but no other Commissioner as such, and the said Secretaries and other Officers, shall be paid by the said Company such fixed Salaries as His Majesty shall, by any Warrant or Warrants under his Sign Manual, countersigned by the Chancellor of the Exchequer for the Time being, direct.

President, Secretaries, and Officers, to be paid such Salaries as the Crown shall direct.

XXIV. And be it enacted, That if at any Time the said Board shall deem it expedient to require their Secretaries and other Officers of the said Board, or any of them, to take an Oath of Secrecy, and for the Execution of the Duties of their respective Stations, it shall be lawful for the said Board to administer such Oath as they shall frame for the Purpose.

Secretaries and Officers to take Oaths if required by the Board.

XXV. And be it enacted, That the said Board shall have and be invested with full Power and Authority to superintend, direct, and control all Acts, Operations, and Concerns of the said Company which in anywise relate to or concern the Government or Revenues of the said Territories, or the Property hereby vested in the said Company in Trust as aforesaid, and all Grants of Salaries, Gratuities, and Allowances, and all other Payments and Charges whatever, out of or upon the said Revenues and Property respectively, except as herein-after is mentioned.

The Board of Commissioners to control all Acts concerning *India*, and the Sale of Property.

XXVI. And be it enacted, That the several Persons who on the said Twenty-second Day of *April* One thousand eight hundred and thirty-four shall be Commissioners for the Affairs of *India*, and Secretaries and Officers of such Board of Commissioners, shall continue and be Commissioners for the Affairs of *India*, and Secretaries and Officers of the said Board respectively, with the same Powers and subject to the same Restrictions as to Salaries as if they had been appointed by virtue of this Act, until by the issuing of new Patents, Commissions, or otherwise, their Appointments shall be respectively revoked.

Commissioners, Secretaries, and Officers, on 22d April 1834, to continue until their Appointments are revoked.

XXVII. And be it enacted, That if, upon the Occasion of taking any Ballot on the Election of a Director or Directors of the said Company, any Proprietor, who shall be resident within the United Kingdom, shall, by reason of Absence, Illness, or otherwise, be desirous of voting by Letter of Attorney, he shall be at liberty so to do, provided that such Letter of Attorney shall in every Case express the Name or Names of the Candidate or Candidates for whom such Proprietor shall be so desirous of voting, and shall be executed within Ten Days next before such Election; and the Attorney constituted for such Purpose shall in every Case deliver the Vote he is so directed to give openly to the Person or Persons who shall be authorized by the said Company to receive the same; and every such Vote shall be accompanied by an Affidavit or Affirmation to be made before a Justice of the Peace by the Proprietor directing the same so to be given, to the same or the like Effect as the Oath or Affirmation now taken by Proprietors voting upon Ballots at General Courts of the said Company, and in which such Proprietor shall also state the Day of the Execution of such Letter of Attorney; and any Person making a false Oath or Affirmation before a Justice of Peace for the Purpose aforesaid shall be held to have thereby committed wilful Perjury; and if any Person do unlawfully or corruptly procure or suborn any other Person to take the said Oath or Affirmation before a Justice of the Peace as aforesaid,

Proprietors may vote by Attorney in Election of Directors.

aforesaid, whereby he or she shall commit such wilful Perjury, and shall thereof be convicted, he, she, or they, for every such Offence, shall incur such Pains and Penalties as are provided by Law against Subornation of Perjury.

Repeal of
Restriction in
13 G. 3: c. 63.
with respect to
any Person em-
ployed in the
East Indies
being chosen
Director.

If such Person
has unsettled
Accounts, he
shall be ineligible
for Two Years,
unless they are
sooner settled.

Court to deliver
to Board Copies
of Minutes, &c.
of Courts of
Proprietors and
Directors, and
of all material
Letters and
Dispatches.

No Official
Communica-
tions to be sent
by the Court
until approved
by the Board ;

XXVIII. And be it enacted, That so much of the Act of the Thirteenth Year of the Reign of King George the Third, intituled *An Act for establishing certain Regulations for the better Management of the Affairs of the East India Company as well in India as in Europe*, as enacts that no Person employed in any Civil or Military Station in the *East Indies*, or claiming or exercising any Power, Authority, or Jurisdiction therein, shall be capable of being appointed or chosen into the Office of Director until such Person shall have returned to and been resident in *England* for the Space of Two Years, shall be and is hereby repealed: Provided, that if the said Court of Directors, with the Consent of the said Board, shall declare such Person to be an Accountant with the said Company, and that his Accounts are unsettled, or that a Charge against such Person is under the Consideration of the said Court, such Person shall not be capable of being chosen into the Office of Director for the Term of Two Years after his Return to *England*, unless such Accounts shall be settled, or such Charge be decided on, before the Expiration of the said Term.

XXIX. And be it further enacted, That the said Court of Directors shall from Time to Time deliver to the said Board Copies of all Minutes, Orders, Resolutions, and Proceedings of all Courts of Proprietors, General or Special, and of all Courts of Directors, within Eight Days after the holding of such Courts respectively, and also Copies of all Letters, Advices, and Dispatches whatever which shall at any Time or Times be received by the said Court of Directors or any Committee of Directors, and which shall be material to be communicated to the said Board, or which the said Board shall from Time to Time require.

XXX. And be it enacted, That no Orders, Instructions, Dispatches, Official Letters, or Communications whatever, relating to the said Territories or the Government thereof, or to the Property or Rights vested in the said Company in Trust as aforesaid, or to any public Matters whatever, shall be at any Time sent or given by the said Court of Directors, or any Committee of the said Directors, until the same shall have been submitted for the Consideration of and approved by the said Board; and for that Purpose that Copies of all such Orders, Instructions, Dispatches, Official Letters, or Communications which the said Court of Directors, or any Committee of the said Directors, shall propose to be sent or given, shall be by them previously laid before the said Board, and that within the Space of Two Months after the Receipt of such proposed Orders, Instructions, Dispatches, Official Letters, or Communications, the said Board shall either return the same to the said Court of Directors or Committee of Directors, with their Approbation thereof, signified under the Hand of One of the Secretaries of the said Board, by the Order of the said Board, or if the said Board shall disapprove, alter, or vary in Substance any of such proposed Orders, Instructions, Dispatches, Official Letters, or Communications, in every such Case the said Board shall give to the said Directors, in Writing, under the Hand of One of the Secretaries
of

of the said Board, by Order of the said Board, their Reason in respect thereof, together with their Directions to the said Directors in relation thereto; and the said Directors shall and they are hereby required forthwith to send the said Orders, Instructions, Dispatches, Official Letters, or Communications, in the Form approved by the said Board, to their proper Destinations: Provided always, that it shall be lawful for the said Board, by Minutes from Time to Time to be made for that Purpose and entered on the Records of the said Board, and to be communicated to the said Court, to allow such Classes of Orders, Instructions, Dispatches, Official Letters, or Communications as shall in such Minutes be described to be sent or given by the said Court without having been previously laid before the said Board.

except such Classes of Communications as the Board may allow.

XXXI. And be it enacted, That whenever the said Court of Directors shall omit to prepare and submit for the Consideration of the said Board any Orders, Instructions, Dispatches, Official Letters, or Communications, beyond the Space of Fourteen Days after Requisition made to them by Order of the said Board, it shall and may be lawful to and for the said Board to prepare and send to the said Directors any Orders, Instructions, Dispatches, Official Letters, or Communications, together with their Directions relating thereto; and the said Directors shall and they are hereby required forthwith to transmit the same to their proper Destinations.

If the Court omit to frame Official Communications for Consideration of the Board, they may prepare them.

XXXII. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend to restrict or prohibit the said Directors from expressing, within Fourteen Days, by Representation in Writing to the said Board, such Remarks, Observations, or Explanations as they shall think fit, touching or concerning any Directions which they shall receive from the said Board; and that the said Board shall and they are hereby required to take every such Representation, and the several Matters therein contained or alleged, into their Consideration, and to give such further Directions thereupon as they shall think fit and expedient; which shall be final and conclusive upon the said Directors.

Court to send them.

Representations may be made by Court as to Official Communications; and Board to consider such Representations, and give final Orders.

XXXIII. And be it enacted, That if it shall appear to the said Court of Directors that any Orders, Instructions, Dispatches, Official Letters, or Communications, except such as shall pass through the Secret Committee, upon which Directions may be so given by the said Board as aforesaid, are contrary to Law, it shall be in the Power of the said Board and the said Court of Directors to send a special Case, to be agreed upon by and between them, and to be signed by the President of the said Board and the Chairman of the said Company, to Three or more of the Judges of His Majesty's Court of King's Bench, for the Opinion of the said Judges; and the said Judges are hereby required to certify their Opinion upon any Case so submitted to them, and to send a Certificate thereof to the said President and Chairman; which Opinion shall be final and conclusive.

If Court think the Orders of Board contrary to Law, the Court of King's Bench may certify their Opinion on any Case which may be agreed upon; such Opinion to be conclusive.

XXXIV. Provided always, and be it enacted and declared, That the said Board shall not have the Power of appointing any of the Servants of the said Company, or of directing or interfering with the Officers and Servants of the said Company employed in the Home Establishment, nor shall it be necessary for the said Court of Directors to submit for the Consideration of the said Board their

Board not empowered to appoint Officers of the Company, or to interfere with Home Officers.

Communi-

Communications with the Officers or Servants employed in their said Home Establishment, or with the legal Advisers of the said Company.

Directors to appoint a Secret Committee, who shall take the following Oath.

XXXV. And be it enacted, That the said Court of Directors shall from Time to Time appoint a Secret Committee, to consist of any Number not exceeding Three of the said Directors, for the particular Purposes in this Act specified; which said Directors so appointed shall, before they or any of them shall act in the Execution of the Powers and Trusts hereby reposed in them, take an Oath of the Tenor following; (that is to say,)

' [(A. B.) do swear, That I will, according to the best of my Skill
' and Judgment, faithfully execute the several Trusts and Powers
' reposed in me as a Member of the Secret Committee appointed by
' the Court of Directors of the *India* Company; I will not disclose
' or make known any of the secret Orders, Instructions, Dispatches,
' Official Letters, or Communications which shall be sent or given
' to me by the Commissioners for the Affairs of *India*, save only to
' the other Members of the said Secret Committee, or to the Person
' or Persons who shall be duly nominated and employed in tran-
' scribing or preparing the same respectively, unless I shall be autho-
' rized by the said Commissioners to disclose and make known the
' same. So help me GOD.'

Which said Oath shall and may be administered by the several and respective Members of the said Secret Committee to each other; and, being so by them taken and subscribed, shall be recorded by the Secretary or Deputy Secretary of the said Court of Directors for the Time being amongst the Acts of the said Court.

If the Board are of opinion that any Matters wherein Indian or other States are concerned require Secrecy, the Board may send Official Communications through Secret Committee.

XXXVI. Provided also, and be it enacted, That if the said Board shall be of opinion that the Subject Matter of any of their Deliberations concerning the levying War or making Peace, or treating or negotiating with any of the Native Princes or States in *India*, or with any other Princes or States, or touching the Policy to be observed with respect to such Princes or States, intended to be communicated in Orders, Dispatches, Official Letters, or Communications, to any of the Governments or Presidencies in *India*, or to any Officers or Servants of the said Company, shall be of a Nature to require Secrecy, it shall and may be lawful for the said Board to send their Orders, Dispatches, Official Letters, or Communications, to the Secret Committee of the said Court of Directors to be appointed as is by this Act directed, who shall thereupon, without disclosing the same, transmit the same according to the Tenor thereof, or pursuant to the Directions of the said Board, to the respective Governments and Presidencies, Officers and Servants; and that the said Governments and Presidencies, Officers and Servants, shall be bound to pay a faithful Obedience thereto, in like Manner as if such Orders, Dispatches, Official Letters, or Communications had been sent to them by the said Court of Directors.

The Court to submit to the Board an Estimate of Salaries of Directors and other Expences of the India House,

XXXVII. And be it enacted, That the said Court of Directors shall, before the Twenty-second Day of *April* One thousand eight hundred and thirty-four, and afterwards from Time to Time so often as Reductions of the Establishment of the said Court or other Circumstances may require, frame and submit to the said Board an Estimate of the gross Sum which will be annually required for the

the Salaries of the Chairman, Deputy Chairman, and Members of the said Court, and the Officers and Secretaries thereof, and all other proper Expences fixed and contingent thereof, and of General Courts of Proprietors; and such Estimate shall be subject to Reduction by the said Board, so that the Reasons for such Reduction be given to the said Court of Directors; and any Sum not exceeding the Sum mentioned in such Estimate, or (if the same shall be reduced) in such reduced Estimate, shall be annually applicable, at the Discretion of the Court of Directors, to the Payment of the said Salaries and Expences; and it shall not be lawful for the said Board to interfere with or control the particular Application thereof, or to direct what particular Salaries or Expences shall from Time to Time be increased or reduced: Provided always, that such and the same Accounts shall be kept and rendered of the Sums to be applied in defraying the Salaries and Expences aforesaid as of the other Branches of the Expenditure of the said Company.

which shall be subject to Reduction.

The Sum allowed to be applicable to such Purposes, at Discretion of the Court of Directors.

Accounts of Application to be rendered.

XXXVIII. And be it enacted, That the Territories now subject to the Government of the Presidency of *Fort William* in *Bengal* shall be divided into Two distinct Presidencies, one of such Presidencies, in which shall be included *Fort William* aforesaid, to be styled the Presidency of *Fort William* in *Bengal*, and the other of such Presidencies to be styled the Presidency of *Agra*; and that it shall be lawful for the said Court of Directors, under the Control by this Act provided, and they are hereby required, to declare and appoint what Part or Parts of any of the Territories under the Government of the said Company shall from Time to Time be subject to the Government of each of the several Presidencies now subsisting or to be established as aforesaid, and from Time to Time, as Occasion may require, to revoke and alter, in the whole or in part, such Appointment, and such new Distribution of the same as shall be deemed expedient.

Presidency of *Fort William* in *Bengal* to be divided into Two Presidencies.

The Court to declare the Limits from Time to Time of the several Presidencies.

XXXIX. And be it enacted, That the Superintendence, Direction, and Control of the whole Civil and Military Government of all the said Territories and Revenues in *India* shall be and is hereby vested in a Governor General and Counsellors, to be styled "The Governor General of *India* in Council."

Government of *India*.

XL. And be it enacted, That there shall be Four Ordinary Members of the said Council, Three of whom shall from Time to Time be appointed by the said Court of Directors from amongst such Persons as shall be or shall have been Servants of the said Company; and each of the said Three Ordinary Members of Council shall at the Time of his Appointment have been in the Service of the said Company for at least Ten Years; and if he shall be in the Military Service of the said Company, he shall not during his Continuance in Office as a Member of Council hold any Military Command, or be employed in actual Military Duties; and that the Fourth Ordinary Member of Council shall from Time to Time be appointed from amongst Persons who shall not be Servants of the said Company by the said Court of Directors, subject to the Approbation of His Majesty, to be signified in Writing by His Royal Sign Manual, countersigned by the President of the said Board; provided that such last-mentioned Member of Council shall not be entitled to sit or vote in the said Council except at Meetings thereof for making Laws and Regulations; and it shall be lawful

There shall be Four Ordinary Counsellors, Three of whom shall be Servants of the Company.

No Military Officer to hold any Command whilst a Member.

The Fourth Member not to be appointed from the Company's Servants.

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‘ I (A. B.) do swear, That I will, according to the best of my Skill and Judgment, faithfully execute the several Trusts and Powers reposed in me as a Member of the Secret Committee appointed by the Court of Directors of the *India* Company; I will not disclose or make known any of the secret Orders, Instructions, Dispatches, Official Letters, or Communications which shall be sent or given to me by the Commissioners for the Affairs of *India*, save only to the other Members of the said Secret Committee, or to the Person or Persons who shall be duly nominated and employed in transcribing or preparing the same respectively, unless I shall be authorized by the said Commissioners to disclose and make known the same. So help me GOD.’

Which said Oath shall and may be administered by the several and respective Members of the said Secret Committee to each other; and, being so by them taken and subscribed, shall be recorded by the Secretary or Deputy Secretary of the said Court of Directors for the Time being amongst the Acts of the said Court.

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the Salaries of the Chairman, Deputy Chairman, and Members of the said Court, and the Officers and Secretaries thereof, and all other proper Expences fixed and contingent thereof, and of General Courts of Proprietors; and such Estimate shall be subject to Reduction by the said Board, so that the Reasons for such Reduction be given to the said Court of Directors; and any Sum not exceeding the Sum mentioned in such Estimate, or (if the same shall be reduced) in such reduced Estimate, shall be annually applicable, at the Discretion of the Court of Directors, to the Payment of the said Salaries and Expences; and it shall not be lawful for the said Board to interfere with or control the particular Application thereof, or to direct what particular Salaries or Expences shall from Time to Time be increased or reduced: Provided always, that such and the same Accounts shall be kept and rendered of the Sums to be applied in defraying the Salaries and Expences aforesaid as of the other Branches of the Expenditure of the said Company.

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Presidency of Fort William in Bengal to be divided into Two Presidencies.

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Government of India.

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No Military Officer to hold any Command whilst a Member.

The Fourth Member not to be appointed from the Company's Servants.

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for

for the said Court of Directors to appoint the Commander-in-Chief of the Company's Forces in *India*, and if there shall be no such Commander-in-Chief, or the Offices of such Commander-in-Chief and of Governor General of *India* shall be vested in the same Person, then the Commander-in-Chief of the Forces on the *Bengal* Establishment, to be an Extraordinary Member of the said Council, and such Extraordinary Member of Council shall have Rank and Precedence at the Council Board next after the Governor General.

Governor General and the Members of Council on 22d April 1834 to be so under this Act.

XXI. And be it enacted, That the Person who shall be Governor General of the Presidency of *Fort William* in *Bengal* on the Twenty-second Day of *April* One thousand eight hundred and thirty-four shall be the First Governor General of *India* under this Act, and such Persons as shall be Members of Council of the same Presidency on that Day shall be respectively Members of the Council constituted by this Act.

Filling up Vacancies in these Offices.

XLII. And be it enacted, That all Vacancies happening in the Office of Governor General of *India* shall from Time to Time be filled up by the said Court of Directors, subject to the Approbation of His Majesty, to be signified in Writing by His Royal Sign Manual, countersigned by the President of the said Board.

The Governor General in Council empowered to legislate for *India*, except as to Matters herein mentioned.

XLIII. And be it enacted, That the said Governor General in Council shall have Power to make Laws and Regulations for repealing, amending, or altering any Laws or Regulations whatever now in force or hereafter to be in force in the said Territories or any Part thereof, and to make Laws and Regulations for all Persons, whether *British* or Native, Foreigners or others, and for all Courts of Justice, whether established by His Majesty's Charters or otherwise, and the Jurisdictions thereof, and for all Places and Things whatsoever within and throughout the whole and every Part of the said Territories, and for all Servants of the said Company within the Dominions of Princes and States in alliance with the said Company; save and except that the said Governor General in Council shall not have the Power of making any Laws or Regulations which shall in any way repeal, vary, suspend, or affect any of the Provisions of this Act, or any of the Provisions of the Acts for punishing Mutiny and Desertion of Officers and Soldiers, whether in the Service of His Majesty or the said Company, or any Provisions of any Act hereafter to be passed in anywise affecting the said Company or the said Territories or the Inhabitants thereof, or any Laws or Regulations which shall in any way affect any Prerogative of the Crown, or the Authority of Parliament, or the Constitution or Rights of the said Company, or any Part of the unwritten Laws or Constitution of the United Kingdom of *Great Britain* and *Ireland* whereon may depend in any Degree the Allegiance of any Person to the Crown of the United Kingdom, or the Sovereignty or Dominion of the said Crown over any Part of the said Territories.

If the Court of Directors disallow the Laws, Governor in Council to repeal them.

XLIV. Provided always, and be it enacted, That in case the said Court of Directors, under such Control as by this Act is provided, shall signify to the said Governor General in Council their Disallowance of any Laws or Regulations by the said Governor General in Council made, then and in every such Case, upon Receipt by the said Governor General in Council of Notice of such Disallowance, the said Governor General in Council shall forthwith repeal all Laws and Regulations so disallowed.

XLV. Pro-

XLV. Provided also, and be it enacted, That all Laws and Regulations made as aforesaid, so long as they shall remain unrepealed, shall be of the same Force and Effect within and throughout the said Territories as any Act of Parliament would or ought to be within the same Territories, and shall be taken notice of by all Courts of Justice whatsoever within the same Territories, in the same Manner as any Public Act of Parliament would and ought to be taken notice of; and it shall not be necessary to register or publish in any Court of Justice any Laws or Regulations made by the said Governor General in Council.

All such Laws and Regulations to be of the same Force as any Act of Parliament.

Registration unnecessary.

XLVI. Provided also, and be it enacted, That it shall not be lawful for the said Governor General in Council, without the previous Sanction of the said Court of Directors, to make any Law or Regulation whereby Power shall be given to any Courts of Justice, other than the Courts of Justice established by His Majesty's Charters, to sentence to the Punishment of Death any of His Majesty's natural-born Subjects born in *Europe*, or the Children of such Subjects, or which shall abolish any of the Courts of Justice established by His Majesty's Charters.

Restricting the Power of punishing with Death European Subjects, &c.

XLVII. And be it enacted, That the said Court of Directors shall forthwith submit, for the Approbation of the said Board, such Rules as they shall deem expedient for the Procedure of the Governor General in Council in the Discharge and Exercise of all Powers, Functions, and Duties imposed on or vested in him by virtue of this Act, or to be imposed or vested in him by any other Act or Acts; which Rules shall prescribe the Modes of Promulgation of any Laws or Regulations to be made by the said Governor General in Council, and of the Authentication of all Acts and Proceedings whatsoever of the said Governor General in Council; and such Rules, when approved by the said Board of Commissioners, shall be of the same Force as if they had been inserted in this Act: Provided always, that such Rules shall be laid before both Houses of Parliament in the Session next after the Approval thereof.

The Court to submit to the Board Rules for the Procedure of the Governor General in Council.

XLVIII. Provided always, and be it enacted, That all Laws and Regulations shall be made at some Meeting of the Council at which the said Governor General and at least Three of the Ordinary Members of Council shall be assembled, and that all other Functions of the said Governor General in Council may be exercised by the said Governor General and One or more Ordinary Member or Members of Council, and that in every Case of Difference of Opinion at Meetings of the said Council where there shall be an Equality of Voices the said Governor General shall have Two Votes or the casting Vote.

Rules to be laid before Parliament.

Quorum of Governor General and Members in Council.

XLIX. Provided always, and be it enacted, That when and so often as any Measure shall be proposed before the said Governor General in Council whereby the Safety, Tranquillity, or Interests of the *British Possessions in India*, or any Part thereof, are or may be, in the Judgment of the said Governor General, essentially affected, and the said Governor General shall be of opinion either that the Measure so proposed ought to be adopted or carried into execution, or that the same ought to be suspended or wholly rejected, and the Majority in Council then present shall differ in and dissent from such Opinion, the said Governor General and Members of Council are hereby directed forthwith mutually to exchange with

Manner of Proceeding when any Measure is proposed whereby the Safety or Peace of India may be essentially affected.

and

and communicate to each other in Writing under their respective Hands, to be recorded at large on their Secret Consultations, the Grounds and Reasons of their respective Opinions; and if after considering the same the said Governor General and the Majority in Council shall still differ in Opinion, it shall be lawful for the said Governor General, of his own Authority and on his own Responsibility, to suspend or reject the Measure so proposed in part or in whole, or to adopt and carry the Measure so proposed into execution, as the said Governor General shall think fit and expedient.

Council to
assemble at any
Place in India.

L. And be it enacted, That the said Council shall from Time to Time assemble at such Place or Places as shall be appointed by the said Governor General in Council within the said Territories, and that as often as the said Council shall assemble within any of the Presidencies of *Fort Saint George*, *Bombay*, or *Agra*, the Governor of such Presidency shall act as an Extraordinary Member of Council.

Nothing in this
Act to affect the
Right of Parlia-
ment to legislate
for India.

Express Reser-
vation.

LI. Provided always, and be it enacted, That nothing herein contained shall extend to affect in any way the Right of Parliament to make Laws for the said Territories and for all the Inhabitants thereof; and it is expressly declared that a full, complete, and constantly existing Right and Power is intended to be reserved to Parliament to control, supersede, or prevent all Proceedings and Acts whatsoever of the said Governor General in Council, and to repeal and alter at any Time any Law or Regulation whatsoever made by the said Governor General in Council, and in all respects to legislate for the said Territories and all the Inhabitants thereof in as full and ample a Manner as if this Act had not been passed; and the better to enable Parliament to exercise at all Times such Right and Power, all Laws and Regulations made by the said Governor General in Council shall be transmitted to *England*, and laid before both Houses of Parliament, in the same Manner as is now by Law provided concerning the Rules and Regulations made by the several Governments in *India*.

Laws and
Regulations to
be laid before
Parliament.

All Enactments
relating to
Supreme Go-
vernment shall
apply to Gover-
nor General of
India in Council
and alone.

LII. And be it enacted, That all Enactments, Provisions, Matters, and Things relating to the Governor General of *Fort William* in *Bengal* in Council, and the Governor General of *Fort William* in *Bengal* alone, respectively, in any other Act or Acts contained, so far as the same are now in force, and not repealed by or repugnant to the Provisions of this Act, shall continue and be in force and be applicable to the Governor General of *India* in Council, and to the Governor General of *India* alone, respectively.

A Law Commis-
sion to be ap-
pointed, to in-
quire into the
Jurisdiction, &c.
of existing
Courts of Jus-
tice and Police
Establishments,
and the Opera-
tion of the
Laws.

LIII. ' And whereas it is expedient that, subject to such special Arrangements as local Circumstances may require, a general System of Judicial Establishments and Police, to which all Persons whatsoever, as well *Europeans* as Natives, may be subject, should be established in the said Territories at an early Period, and that such Laws as may be applicable in common to all Classes of the Inhabitants of the said Territories, due Regard being had to the Rights, Feelings, and peculiar Usages of the People, should be enacted, and that all Laws and Customs having the Force of Law within the same Territories should be ascertained and consolidated, and as Occasion may require amended; be it therefore enacted, That the said Governor General of *India* in Council shall, as soon as conveniently may be after the passing of this Act, issue a

Commis^e

Commission, and from Time to Time Commissions, to such Persons as the said Court of Directors, with the Approbation of the said Board of Commissioners, shall recommend for that Purpose, and to such other Persons, if necessary, as the said Governor General in Council shall think fit, all such Persons, not exceeding in the whole at any one Time Five in Number, and to be styled "The *Indian Law Commissioners*," with all such Powers as shall be necessary for the Purposes herein-after mentioned; and the said Commissioners shall fully inquire into the Jurisdiction, Powers, and Rules of the existing Courts of Justice and Police Establishments in the said Territories, and all existing Forms of Judicial Procedure, and into the Nature and Operation of all Laws, whether Civil or Criminal, written or customary, prevailing and in force in any Part of the said Territories, and whereto any Inhabitants of the said Territories, whether *Europeans* or others, are now subject; and the said Commissioners shall from Time to Time make Reports, in which they shall fully set forth the Result of their said Inquiries, and shall from Time to Time suggest such Alterations as may in their Opinion be beneficially made in the said Courts of Justice and Police Establishments, Forms of Judicial Procedure and Laws, due Regard being had to the Distinction of Castes, Difference of Religion, and the Manners and Opinions prevailing among different Races and in different Parts of the said Territories.

Commissioners from Time to Time to report the Result of their Inquiries.

LIV. And be it enacted, That the said Commissioners shall follow such Instructions with regard to the Researches and Inquiries to be made and the Places to be visited by them, and all their Transactions with reference to the Objects of their Commission, as they shall from Time to Time receive from the said Governor General of *India* in Council; and they are hereby required to make to the said Governor General in Council such special Reports upon any Matters as by such Instructions may from Time to Time be required; and the said Governor General in Council shall take into consideration the Reports from Time to Time to be made by the said *Indian Law Commissioners*, and shall transmit the same, together with the Opinions or Resolutions of the said Governor General in Council thereon, to the said Court of Directors; and which said Reports, together with the said Opinions or Resolutions, shall be laid before both Houses of Parliament in the same Manner as is now by Law provided concerning the Rules and Regulations made by the several Governments in *India*.

Commissioners to follow Instructions of Governor General in Council, and to make special Reports when required.

Governor General in Council to consider Reports, and transmit them with Opinions thereupon.

LV. And be it enacted, That it shall and may be lawful for the Governor General of *India* in Council to grant Salaries to the said *Indian Law Commissioners* and their necessary Officers and Attendants, and to defray such other Expenses as may be incident to the said Commission, and that the Salaries of the said Commissioners shall be according to the highest Scale of Remuneration given to any of the Officers or Servants of the *India* Company below the Rank of Members of Council.

Salaries to be granted to Law Commissioners.

LVI. And be it enacted, That the Executive Government of each of the several Presidencies of *Fort William* in *Bengal*, *Fort Saint George*, *Bombay*, and *Agra* shall be administered by a Governor and Three Councillors, to be styled "The Governor in Council of the said Presidencies of *Fort William* in *Bengal*, *Fort Saint George*, *Bombay*, and *Agra*, respectively;" and the said Governor and Coun-

The Executive Government of the Presidencies to be administered by a Governor and Three Councillors.

thereto; and that every such Acting Governor shall, during the Time of his continuing to act as such, receive and be entitled to the Emoluments and Advantages appertaining to the Office by him supplied, such Acting Governor foregoing all Salaries and Allowances by him held and enjoyed at the Time of his being called to supply such Office.

In case of a Vacancy in the Office of a Member of Council when no provisional or other Successor on the Spot,

LXIV. And be it enacted, That if any Vacancy shall happen in the Office of an Ordinary Member of Council of *India* when no Person provisionally or otherwise appointed to succeed thereto shall be then present on the Spot, then and on every such Occasion such Vacancy shall be supplied by the Appointment of the Governor General in Council; and if any Vacancy shall happen in the Office of a Member of Council of any Presidency when no Person provisionally or otherwise appointed to succeed thereto shall be then present on the Spot, then and on every such Occasion such Vacancy shall be supplied by the Appointment of the Governor in Council of the Presidency in which such Vacancy shall happen; and until a Successor shall arrive the Person so nominated shall execute the Office by him supplied, and shall have all the Powers thereof, and shall have and be entitled to the Salary and other Emoluments and Advantages appertaining to the said Office during his Continuance therein, every such temporary Member of Council foregoing all Salaries and Allowances by him held and enjoyed at the Time of his being appointed to such Office: Provided always, that no Person shall be appointed a temporary Member of Council who might not have been appointed by the said Court of Directors to fill the Vacancy supplied by such temporary Appointment.

The Governor General in Council to have the Control over the Presidencies.

LXV. And be it further enacted, That the said Governor General in Council shall have and be invested by virtue of this Act with full Power and Authority to superintend and control the Governors and Governors in Council of *Fort William* in *Bengal*, *Fort Saint George*, *Bombay*, and *Agra*, in all Points relating to the Civil or Military Administration of the said Presidencies respectively, and the said Governors and Governors in Council shall be bound to obey such Orders and Instructions of the said Governor General in Council in all Cases whatsoever.

Drafts of Laws proposed by Governors to be taken into consideration by Governor General in Council.

LXVI. And be it enacted, That it shall and may be lawful for the Governors or Governors in Council of *Fort William* in *Bengal*, *Fort Saint George*, *Bombay*, and *Agra* respectively, to propose to the said Governor General in Council Drafts or Projects of any Laws or Regulations which the said Governors or Governors in Council respectively may think expedient, together with their Reasons for proposing the same; and the said Governor General in Council is hereby required to take the same and such Reasons into consideration, and to communicate the Resolutions of the said Governor General in Council thereon to the Governor or Governor in Council by whom the same shall have been proposed.

Powers of Governors of Presidencies not to be suspended.

LXVII. And be it enacted, That when the said Governor General shall visit any of the Presidencies of *Fort Saint George*, *Bombay*, or *Agra*, the Powers of the Governors of those Presidencies respectively shall not by reason of such Visit be suspended.

Communications to be transmitted by Governors to

LXVIII. And be it enacted, That the said Governors and Governors in Council of the said Presidencies of *Fort William* in *Bengal*, *Fort Saint George*, *Bombay*, and *Agra* respectively shall—and they
are

are hereby respectively required regularly to transmit to the said Governor General in Council true and exact Copies of all such Orders and Acts of their respective Governments, and also Advice and Intelligence of all Transactions and Matters which shall have come to their Knowledge, and which they shall deem material to be communicated to the said Governor General in Council as aforesaid, or as the said Governor General in Council shall from Time to Time require.

Governor General in Council.

LXIX. And be it enacted, That it shall be lawful for the said Governor General in Council, as often as the Exigencies of the Public Service may appear to him to require, to appoint such one of the Ordinary Members of the said Council of *India* as he may think fit to be Deputy Governor of the said Presidency of *Fort William* in *Bengal*, and such Deputy Governor shall be invested with all the Powers and perform all the Duties of the said Governor of the Presidency of *Fort William* in *Bengal*, but shall receive no additional Salary by reason of such Appointment.

The Governor General in Council may appoint a Deputy Governor of Bengal as Exigencies may require.

LXX. And be it enacted, That whenever the said Governor General in Council shall declare that it is expedient that the said Governor General should visit any Part of *India* unaccompanied by any Member or Members of the Council of *India*, it shall be lawful for the said Governor General in Council, previously to the Departure of the said Governor General, to nominate some Member of the Council of *India* to be President of the said Council, in whom, during the Absence of the said Governor General from the said Presidency of *Fort William* in *Bengal*, the Powers of the said Governor General in Assemblies of the said Council shall be reposed; and it shall be lawful in every such Case for the said Governor General in Council, by a Law or Regulation for that Purpose to be made, to authorize the Governor General alone to exercise all or any of the Powers which might be exercised by the said Governor General in Council, except the Power of making Laws or Regulations: Provided always, that during the Absence of the Governor General no Law or Regulation shall be made by the said President and Council without the Assent in Writing of the said Governor General.

Provision in case the Governor General in Council shall declare it expedient for the Governor General to visit any Part of *India* without his Council.

LXXI. And be it enacted, That there shall not, by reason of the Division of the Territories now subject to the Government of the Presidency of *Fort William* in *Bengal* into Two Presidencies as aforesaid, be any Separation between the Establishments and Forces thereof respectively, or any Alteration in the Course and Order of Promotion and Succession of the Company's Servants in the same Two Presidencies respectively, but that all the Servants, Civil and Military, of the *Bengal* Establishments and Forces, shall and may succeed and be appointed to all Commands and Offices within either of the said Presidencies respectively as if this Act had not been passed.

The new Presidency of *Agra* not to affect the Succession to Commands and Offices in *Bengal* and *Agra*.

LXXII. And be it enacted, That for the Purposes of an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to consolidate and amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the East India Company, and to authorize Soldiers and Sailors in the East Indies to send and receive Letters at a reduced Rate of Postage*, and of any Articles of War made or to be made under the same, the Presidency of *Fort William* in *Bengal* shall be taken and deemed to comprise under and within it all the Ter-

Presidency of *Fort William* to be entire for the Purposes of the Mutiny Act.

ritories which by or in virtue of this Act shall be divided between the Presidencies of *Fort William* in *Bengal* and *Agra* respectively, and shall for all the Purposes aforesaid be taken to be the Presidency of *Fort William* in *Bengal* in the said Act mentioned.

Articles of War
to be made by
Governor General
in Council.

LXXIII. And be it enacted, That it shall be lawful for the said Governor General in Council from Time to Time to make Articles of War for the Government of the Native Officers and Soldiers in the Military Service of the Company, and for the Administration of Justice by Courts-martial to be holden on such Officers and Soldiers, and such Articles of War from Time to Time to repeal or vary and amend; and such Articles of War shall be made and taken notice of in the same Manner as all other the Laws and Regulations to be made by the said Governor General in Council under this Act, and shall prevail and be in force, and shall be of exclusive Authority over all the Native Officers and Soldiers in the said Military Service, to whatever Presidency such Officers and Soldiers may belong, or wheresoever they may be serving: Provided nevertheless, that until such Articles of War shall be made by the said Governor General in Council any Articles of War for or relating to the Government of the Company's Native Forces, which at the Time of this Act coming into operation shall be in force and use in any Part or Parts of the said Territories, shall remain in force.

His Majesty
may remove any
Officer of the
Company in
India.

LXXIV. And be it enacted, That it shall be lawful for His Majesty, by any Writing under His Sign Manual, countersigned by the President of the said Board of Commissioners, to remove or dismiss any Person holding any Office, Employment, or Commission, Civil or Military, under the said Company in *India*, and to vacate any Appointment or Commission of any Person to any such Office or Employment; provided that a Copy of every such Writing, attested by the said President, shall within Eight Days after the same shall be signed by His Majesty be transmitted or delivered to the Chairman or Deputy Chairman of the said Company.

The Power of
the Directors to
remove their
Servants pre-
served.

LXXV. Provided always, and be it enacted, That nothing in this Act contained shall take away the Power of the said Court of Directors to remove or dismiss any of the Officers or Servants of the said Company, but that the said Court shall and may at all Times have full Liberty to remove or dismiss any of such Officers or Servants at their Will and Pleasure; provided that any Servant of the said Company appointed by His Majesty through the Default of Appointment by the said Court of Directors shall not be dismissed or removed without His Majesty's Approbation, as herein-before is mentioned.

Salaries of
Governor General,
&c. fixed;
to be in lieu of
all Fees, &c.

LXXVI. And be it enacted, That there shall be paid to the several Officers herein-after named the several Salaries set against the Names of such Officers, subject to such Reduction of the said several Salaries respectively as the said Court of Directors, with the Sanction of the said Board, may at any Time think fit; (that is to say.)

To the Governor General of *India*, Two hundred and forty thousand Sicca Rupees:

To each Ordinary Member of the Council of *India*, Ninety-six thousand Sicca Rupees:

To each Governor of the Presidencies of *Fort Saint George*, *Bombay*, and *Agra*, One hundred and twenty thousand Sicca Rupees:

To each Member of any Council to be appointed in any Presidency, Sixty thousand Sicca Rupees :

And the Salaries of the said Officers respectively shall commence from their respectively taking upon them the Execution of their respective Offices, and the said Salaries shall be the whole Profit or Advantage which the said Officers shall enjoy during their Continuance in such Offices respectively ; and it shall be and it is hereby declared to be a Misdemeanor for any such Officer to accept for his own Use, in the Discharge of his Office, any Present, Gift, Donation, Gratuity, or Reward, pecuniary or otherwise whatsoever, or to trade or traffic for his own Benefit or for the Benefit of any other Person or Persons whatsoever ; and the said Court of Directors are hereby required to pay to all and singular the Officers and Persons herein-after named who shall be resident in the United Kingdom at the Time of their respective Appointments, for the Purpose of defraying the Expences of their Equipment and Voyage, such Sums of Money as are set against the Names of such Officers and Persons respectively ; (that is to say,)

Acceptance of
Gratuities a
Misdemeanor.

Passage Money
fixed.

To the Governor General, Five thousand Pounds :

To each Member of the Council of *India*, One thousand two hundred Pounds :

To each Governor of the Presidencies of *Fort Saint George*, *Bombay*, and *Agra*, Two thousand five hundred Pounds :

Provided also, that any Governor General, Governor, or Member of Council appointed by or by virtue of this Act, who shall at the Time of passing this Act hold the Office of Governor General, Governor, or Member of Council respectively, shall receive the same Salary and Allowances that he would have received if this Act had not been passed.

LXXVII. Provided always, and be it enacted, That if any Governor General, Governor, or Ordinary Member of the Council of *India*, or any Member of the Council of any Presidency, shall hold or enjoy any Pension, Salary, or any Place, Office, or Employment of Profit under the Crown or any Public Office or the said Company, or any Annuity payable out of the Civil or Military Fund of the said Company, the Salary of his Office of Governor General of *India*, Governor, or Member of Council, shall be reduced by the Amount of the Pension, Salary, Annuity, or Profits of Office so respectively held or enjoyed by him.

Governor
General and
Governors to
forego Pensions
and other
Salaries from
the Crown or
Company while
they hold Office.

LXXVIII. And be it enacted, That the said Court of Directors, with the Approbation of the said Board of Commissioners, shall and may from Time to Time make Regulations for the Division and Distribution of the Patronage and Power of Nomination of and to the Offices, Commands, and Employments in the said Territories, and in all or any of the Presidencies thereof, among the said Governor General in Council, Governor General, Governors in Council, Governors, Commander in Chief, and other Commanding Officers respectively appointed or to be appointed under this Act.

Directors to
make Regulations
for the
Distribution of
Patronage in
India.

LXXIX. And be it enacted, That the Return to *Europe* or the Departure from *India* with Intent to return to *Europe* of any Governor General of *India*, Governor, Member of Council, or Commander in Chief, shall be deemed in Law a Resignation and Avoidance of his Office or Employment, and that no Act or Declaration of any Governor General, or Governor, or Member of Council other

Departure of
Governor Ge-
neral, &c. for
Europe, to be a
Resignation.

Resignation in
India to be by
Deed.

Salary to cease
on Departure or
Resignation.

As to Repre-
sentatives of
Officers dying
during Absence.

Disobedience of
Orders and
Breach of Trust
by Officers or
Servants of the
Company in
India, Misde-
meanors.

Authority for
His Majesty's
Subjects to
reside in certain
Parts of India
without
Licence.

Subjects of His
Majesty not to
reside in certain
Parts of India

than as aforesaid, excepting a Declaration in Writing under Hand and Seal, delivered to the Secretary for the Public Department of the Presidency wherein he shall be, in order to its being recorded, shall be deemed or held as a Resignation or Surrender of his said Office; and that the Salary and other Allowances of any such Governor General or other Officer respectively shall cease from the Day of such his Departure, Resignation, or Surrender; and that if any such Governor General or Member of Council of *India* shall leave the said Territories, or if any Governor or other Officer whatever in the Service of the said Company shall leave the Presidency to which he shall belong, other than in the known actual Service of the said Company, the Salary and Allowances appertaining to his Office shall not be paid or payable during his Absence to any Agent or other Person for his Use; and in the event of his not returning, or of his coming to *Europe*, his Salary and Allowances shall be deemed to have ceased on the Day of his leaving the said Territories, or the Presidency to which he may have belonged; provided that it shall be lawful for the said Company to make such Payment as is now by Law permitted to be made to the Representatives of their Officers or Servants who, having left their Stations intending to return thereto, shall die during their Absence.

LXXX. And be it enacted, That every wilful disobeying, and every wilful omitting, forbearing, or neglecting to execute the Orders or Instructions of the said Court of Directors by any Governor General of *India*, Governor, Member of Council, or Commander in Chief, or by any other of the Officers or Servants of the said Company, unless in Cases of Necessity (the Burthen of the Proof of which Necessity shall be on the Person so disobeying, or omitting, forbearing, or neglecting to execute such Orders or Instructions as aforesaid); and every wilful Breach of the Trust and Duty of any Office or Employment by any such Governor General, Governor, Member of Council, or Commander in Chief, or any of the Officers or Servants of the said Company, shall be deemed and taken to be a Misdemeanor at Law, and shall or may be proceeded against and punished as such by virtue of this Act.

LXXXI. And be it enacted, That it shall be lawful for any natural-born Subjects of His Majesty to proceed by Sea to any Port or Place having a Custom-house Establishment within the said Territories, and to reside thereat, or to proceed to and reside in or pass through any Part of such of the said Territories as were under the Government of the said Company on the First Day of *January* One thousand eight hundred, and in any Part of the Countries ceded by the Nabob of the *Carnatic*, of the Province of *Cuttack*, and of the Settlements of *Singapore* and *Malacca*, without any Licence whatever; provided that all Subjects of His Majesty not Natives of the said Territories shall, on their Arrival in any Part of the said Territories from any Port or Place not within the said Territories, make known in Writing their Names, Places of Destination, and Objects of Pursuit in *India*, to the Chief Officer of the Customs or other Officer authorized for that Purpose at such Port or Place as aforesaid.

LXXXII. Provided always, and be it enacted, That it shall not be lawful for any Subject of His Majesty, except the Servants of the said Company and others now lawfully authorized to reside in the said

said Territories, to enter the same by Land, or to proceed to or reside in any Place or Places in such Parts of the said Territories as are not herein-before in that Behalf mentioned, without Licence from the said Board of Commissioners, or the said Court of Directors, or the said Governor General in Council, or a Governor or Governor in Council of any of the said Presidencies for that Purpose first obtained: Provided always, that no Licence given to any natural-born Subject of His Majesty to reside in Parts of the Territories not open to all such Subjects shall be determined or revoked unless in accordance with the Terms of some express Clause of Revocation or Determination in such Licence contained.

without Licence.

LXXXIII. Provided always, and be it enacted, That it shall be lawful for the said Governor General in Council, with the previous Consent and Approbation of the said Court of Directors for that Purpose obtained, to declare any Place or Places whatever within the said Territories open to all His Majesty's natural-born Subjects, and it shall be thenceforth lawful for any of His Majesty's natural-born Subjects to proceed to, or reside in, or pass through any Place or Places declared open, without any Licence whatever.

The Governor General in Council, with previous Consent of Directors, may declare other Places open.

LXXXIV. And be it enacted, That the said Governor General in Council shall and he is hereby required, as soon as conveniently may be, to make Laws or Regulations providing for the Prevention or Punishment of the illicit Entrance into or Residence in the said Territories of Persons not authorized to enter or reside therein.

Laws against illicit Residence to be made.

LXXXV. ' And whereas the Removal of Restrictions on the ' Intercourse of *Europeans* with the said Territories will render it ' necessary to provide against any Mischiefs or Dangers that may ' arise therefrom,' be it therefore enacted, That the said Governor General in Council shall and he is hereby required, by Laws or Regulations, to provide with all convenient Speed for the Protection of the Natives of the said Territories from Insult and Outrage in their Persons, Religions, or Opinions.

Laws and Regulations to be made for Protection of Natives.

LXXXVI. And be it enacted, That it shall be lawful for any natural-born Subject of His Majesty authorized to reside in the said Territories to acquire and hold Lands, or any Right, Interest, or Profit in or out of Lands, for any Term of Years, in such Part or Parts of the said Territories as he shall be so authorized to reside in: Provided always, that nothing herein contained shall be taken to prevent the said Governor General in Council from enabling, by any Laws or Regulations, or otherwise, any Subjects of His Majesty to acquire or hold any Lands, or Rights, Interests, or Profits in or out of Lands, in any Part of the said Territories, and for any Estates or Terms whatever.

Lands within the Indian Territories may be purchased.

LXXXVII. And be it enacted, That no Native of the said Territories, nor any natural-born Subject of His Majesty resident therein, shall, by reason only of his Religion, Place of Birth, Descent, Colour, or any of them, be disabled from holding any Place, Office, or Employment under the said Company.

No Disabilities in respect of Religion, Colour, or Place of Birth.

LXXXVIII. And be it further enacted, That the said Governor General in Council shall and he is hereby required forthwith to take into consideration the Means of mitigating the State of Slavery, and of ameliorating the Condition of Slaves, and of extinguishing Slavery throughout the said Territories so soon as such Extinction shall be practicable and safe, and from Time to Time to prepare and trans-

Slavery to be mitigated, and abolished as soon as practicable.

mit to the said Court of Directors Drafts of Laws or Regulations for the Purposes aforesaid, and that in preparing such Drafts due Regard shall be had to the Laws of Marriage and the Rights and Authorities of Fathers and Heads of Families, and that such Drafts shall forthwith after Receipt thereof be taken into consideration by the said Court of Directors, who shall, with all convenient Speed, communicate to the said Governor General in Council their Instructions on the Drafts of the said Laws and Regulations, but no such Laws and Regulations shall be promulgated or put in force without the previous Consent of the said Court; and the said Court shall, within Fourteen Days after the first meeting of Parliament in every Year, lay before both Houses of Parliament a Report of the Drafts of such Rules and Regulations as shall have been received by them, and of their Resolutions or Proceedings thereon.

Respecting the inconvenient Extent of the Diocese of Calcutta.

LXXXIX. ' And whereas the present Diocese of the Bishoprick of *Calcutta* is of too great an Extent for the Incumbent thereof to perform efficiently all the Duties of the Office without endangering his Health and Life, and it is therefore expedient to diminish the Labours of the Bishop of the said Diocese, and for that Purpose to make Provision for assigning new Limits to the Diocese of the said Bishop, and for founding and constituting Two separate and distinct Bishopricks, but nevertheless the Bishops thereof to be subordinate and subject to the Bishop of *Calcutta* for the Time being, and his Successors, as their Metropolitan;' be it therefore enacted, That in case it shall please His Majesty to erect, found, and constitute Two Bishopricks, one to be styled the Bishoprick of *Madras* and the other the Bishoprick of *Bombay*, and from Time to Time to nominate and appoint Bishops to such Bishopricks under the Style and Title of Bishops of *Madras* and *Bombay* respectively, there shall be paid from and out of the Revenues of the said Territories to such Bishops respectively the Sum of Twenty-four thousand Sicca Rupees by the Year.

If the King erects Bishopricks of *Madras* and *Bombay*, certain Salaries to be paid to the Bishops.

Such Salaries to commence from Time of taking Office, and to be in lieu of all Fees, &c.

XC. And be it enacted, That the said Salaries shall commence from the Time at which such Persons as shall be appointed to the said Office of Bishop shall take upon them the Execution of their respective Offices; and that such Salaries shall be in lieu of all Fees of Office, Perquisites, Emoluments, or Advantages whatsoever; and that no Fees of Office, Perquisites, Emoluments, or Advantages whatsoever shall be accepted, received, or taken by such Bishop or either of them, in any Manner or on any Account or Pretence whatsoever, other than the Salaries aforesaid; and that such Bishops respectively shall be entitled to such Salaries so long as they shall respectively exercise the Functions of their several Offices in the *British* Territories aforesaid.

Passage Money for each such Bishop.

XCI. And be it enacted, That the said Court of Directors shall and they are required to pay to the Bishops so from Time to Time to be appointed to the said Bishopricks of *Madras* and *Bombay*, in case they shall be resident in the United Kingdom at the Time of their respective Appointments, the Sum of Five hundred Pounds each, for the Purpose of defraying the Expences of their Equipments and Voyage.

As to Jurisdiction of such Bishops.

XCII. Provided always, and be it enacted, That such Bishops shall not have or use any Jurisdiction, or exercise any Episcopal Functions whatsoever, either in the said Territories or elsewhere, but

only such Jurisdiction and Functions as shall or may from Time to Time be limited to them respectively by His Majesty by His Royal Letters Patent under the Great Seal of the said United Kingdom.

XCIII. And be it enacted, That it shall and may be lawful for His Majesty from Time to Time, if He shall think fit, by His Royal Letters Patent under the Great Seal of the said United Kingdom, to assign Limits to the Diocese of the Bishoprick of *Calcutta* and to the Dioceses of the said Bishopricks of *Madras* and *Bombay* respectively, and from Time to Time to alter and vary the same Limits respectively, as to His Majesty shall seem fit, and to grant to such Bishops respectively within the Limits of their respective Dioceses the Exercise of Episcopal Functions, and of such Ecclesiastical Jurisdiction as His Majesty shall think necessary for the Superintendence and good Government of the Ministers of the United Church of *England* and *Ireland* therein.

The King empowered by Letters Patent to limit Jurisdiction and Functions.

XCIV. Provided always, and be it enacted, That the Bishop of *Calcutta* for the Time being shall be deemed and taken to be the Metropolitan Bishop in *India*, and as such shall have, enjoy, and exercise all such Ecclesiastical Jurisdiction and Episcopal Functions, for the Purposes aforesaid, as His Majesty shall by His Royal Letters Patent under the Great Seal of the said United Kingdom think necessary to direct, subject nevertheless to the general Superintendence and Revision of the Archbishop of *Canterbury* for the Time being; and that the Bishops of *Madras* and *Bombay* for the Time being respectively shall be subject to the Bishop of *Calcutta* for the Time being as such Metropolitan, and shall, at the Time of their respective Appointments to such Bishopricks, or at the Time of their respective Consecrations as Bishop, take an Oath of Obedience to the said Bishop of *Calcutta* in such Manner as His Majesty by His said Royal Letters Patent shall be pleased to direct.

The Bishop of Calcutta to be Metropolitan in India.

XCV. And be it enacted, That when and as often as it shall please His Majesty to issue any Letters Patent respecting the Bishoprick of *Calcutta*, *Madras*, or *Bombay*, or for the Nomination or Appointment of any Person thereto respectively, the Warrant for the Bill in every such Case shall be countersigned by the President of the Board of Commissioners for the Affairs of *India* and by no other Person.

Warrants for Bills on Letters Patent appointing Bishops to be countersigned by the President.

XCVI. And be it enacted, That it shall and may be lawful for His Majesty, His Heirs and Successors, by Warrant under His Royal Sign Manual, countersigned by the Chancellor of the Exchequer for the Time being, to grant to any such Bishop of *Madras* or *Bombay* respectively who shall have exercised in the *British* Territories aforesaid for Fifteen Years the Office of such Bishop a Pension not exceeding Eight hundred Pounds *per Annum*, to be paid quarterly by the said Company.

The King may grant certain Pensions to Bishops of *Madras* or *Bombay*.

XCVII. And be it enacted, That in all Cases when it shall happen the said Person nominated and appointed to be Bishop of either of the said Bishopricks of *Madras* or *Bombay* shall depart this Life within Six Calendar Months next after the Day when he shall have arrived in *India* for the Purpose of taking upon him the Office of such Bishop, there shall be payable out of the Territorial Revenues from which the Salary of such Bishop so dying shall be payable, to the legal personal Representatives of such Bishop, such Sum or Sums of Money as shall, together with the Sum or Sums paid to or drawn

Respecting Salary of a Bishop of *Madras* or *Bombay* dying within Six Months after Arrival;

or after Six
Months holding
Office in India.

drawn by such Bishop in respect of his Salary, make up the full Amount of One Year's Salary; and when and so often as it shall happen that any such Bishop shall depart this Life while in possession of such Office, and after the Expiration of Six Calendar Months from the Time of his Arrival in *India* for the Purpose of taking upon him such Office, then and in every such Case there shall be payable, out of the Territorial Revenues from which the Salary of the said Bishop so dying shall be payable, to his legal personal Representatives, over and above what may have been due to him at the Time of his Death, a Sum equal to the full Amount of the Salary of such Bishop for Six Calendar Months.

As to Residence
of Bishop of
Madras or
Bombay if
translated to
Calcutta.

XCVIII. And be it enacted, That if it shall happen that either of the Bishops of *Madras* or *Bombay* shall be translated to the Bishoprick of *Calcutta*, the Period of Residence of such Person as Bishop of *Madras* or *Bombay* shall be accounted for and taken as a Residence as Bishop of *Calcutta*; and if any Person now an Archdeacon in the said Territories shall be appointed Bishop of *Madras* or *Bombay*, the Period of his Residence in *India* as such Archdeacon shall for all the Purposes of this Act be accounted for and taken as a Residence as such Bishop.

As to Consecra-
tion of any
Person under
the Degree of a
Bishop, if resi-
dent in India,
appointed to a
Bishoprick.

XCIX. Provided also, and be it enacted, That if any Person under the Degree of a Bishop shall be appointed to either of the Bishopricks of *Calcutta*, *Madras*, or *Bombay*, who at the Time of such Appointment shall be resident in *India*, then and in such Case it shall and may be lawful for the Archbishop of *Canterbury*, when and as he shall be required so to do by His Majesty by His Royal Letters Patent under the Great Seal of the said United Kingdom, to issue a Commission under His Hand and Seal, to be directed to the Two remaining Bishops, authorizing and charging them to perform all such requisite Ceremonies for the Consecration of the Person so to be appointed to the Degree and Office of a Bishop.

Provision for
Expences of
Visitations.

C. And be it enacted, That the Expences of Visitations to be made from Time to Time by the said Bishops of *Madras* and *Bombay* respectively shall be paid by the said Company out of the Revenues of the said Territories; provided that no greater Sum on account of such Visitations be at any Time issued than shall from Time to Time be defined and settled by the Court of Directors of the said Company, with the Approbation of the Commissioners for the Affairs of *India*.

No Archdeacon
in India to have
a Salary exceed-
ing 3,000 Sicca
Rupees.

CI. And be it enacted, That no Archdeacon hereafter to be appointed for the Archdeaconry of the Presidency of *Fort William* in *Bengal*, or the Archdeaconry of the Presidency of *Fort Saint George*, or the Archdeaconry of the Presidency and Island of *Bombay*, shall receive in respect of his Archdeaconry any Salary exceeding Three thousand Sicca Rupees *per Annum*: Provided always, that the whole Expence incurred in respect of the said Bishops and Archdeacons shall not exceed One hundred and twenty thousand Sicca Rupees *per Annum*.

Two Chaplains
of the Church of
Scotland to be
on the Estab-
lishment of
each Presidency.

CII. And be it enacted, That of the Establishment of Chaplains maintained by the said Company at each of the Presidencies of the said Territories Two Chaplains shall always be Ministers of the Church of *Scotland*, and shall have and enjoy from the said Company such Salary as shall from Time to Time be allotted to the Military Chaplains at the several Presidencies: Provided always,

that the Ministers of the Church of *Scotland* to be appointed Chaplains at the said Presidencies as aforesaid shall be ordained and inducted by the Presbytery of *Edinburgh* according to the Forms and Solemnities used in the Church of *Scotland*, and shall be subject to the Spiritual and Ecclesiastical Jurisdiction in all Things of the Presbytery of *Edinburgh*, whose Judgments shall be subject to Dissent, Protest, and Appeal to the Provincial Synod of *Lothian and Tweeddale*, and to the General Assembly of the Church of *Scotland*: Provided always, that nothing herein contained shall be so construed as to prevent the Governor General in Council from granting from Time to Time, with the Sanction of the Court of Directors and of the Commissioners for the Affairs of *India*, to any Sect, Persuasion, or Community of Christians not being of the United Church of *England* and *Ireland*, or of the Church of *Scotland*, such Sums of Money as may be expedient for the Purpose of Instruction or for the Maintenance of Places of Worship.

CIII. 'And whereas it is expedient to provide for the due Qualification of Persons to be employed in the Civil Service of the said Company in the said Territories,' be it therefore enacted, That the said Governor General of *India* in Council shall, as soon as may be after the First Day of *January* in every Year, make and transmit to the said Court of Directors a prospective Estimate of the Number of Persons who, in the Opinion of the said Governor General in Council, will be necessary, in addition to those already in *India* or likely to return from *Europe*, to supply the expected Vacancies in the Civil Establishments of the respective Governments in *India* in such one of the subsequent Years as shall be fixed in the Rules and Regulations herein-after mentioned; and it shall be lawful for the said Board of Commissioners to reduce such Estimate, so that the Reasons for such Reduction be given to the said Court of Directors; and in the Month of *June* in every Year, if the said Estimate shall have been then received by the said Board, and if not, then within One Month after such Estimate shall have been received, the said Board of Commissioners shall certify to the said Court of Directors what Number of Persons shall be nominated as Candidates for Admission and what Number of Students shall be admitted to the College of the said Company at *Haileybury* in the then current Year, but so that at least Four such Candidates, no one of whom shall be under the Age of Seventeen or above the Age of Twenty Years, be nominated, and no more than One Student admitted for every such expected Vacancy in the said Civil Establishments, according to such Estimate or reduced Estimate as aforesaid; and it shall be lawful for the said Court of Directors to nominate such a Number of Candidates for Admission to the said College as shall be mentioned in the Certificate of the said Board; and if the said Court of Directors shall not within One Month after the Receipt of such Certificate nominate the whole Number mentioned therein, it shall be lawful for the said Board of Commissioners to nominate so many as shall be necessary to supply the Deficiency.

CIV. And be it enacted, That when and so often as any Vacancy shall happen in the Number of Students in the said College by Death, Expulsion, or Resignation it shall be lawful for the said Board of Commissioners to add in respect of every such Vacancy

The Governor General in Council annually to make a prospective Estimate of the Number of Vacancies in Indian Establishments.

Board to certify what Number of Persons shall be Candidates for Admission to Haileybury College, and what Number shall be admitted Students.

Additional Students to be admitted to fill up Vacancies.

same and the respective Heads thereof at each of their several Presidencies or Settlements, and of all their annual Receipts and Disbursements at Home and Abroad, distinguishing the same under the respective Heads thereof, together with the latest Estimate of the same, and also the Amount of their Debts, with the Rates of Interest they respectively carry, and the annual Amount of such Interest, the State of their Effects and Credits at each Presidency or Settlement, and in *England* or elsewhere, according to the latest Advices which shall have been received thereof, and also a List of their several Establishments, and the Salaries and Allowances payable by the said Court of Directors in respect thereof; and the said Court of Directors, under the Direction and Control of the said Board of Commissioners, shall forthwith prepare Forms of the said Accounts and Estimates in such Manner as to exhibit a complete and accurate View of the Financial Affairs of the said Company; and if any new or increased Salaries, Establishments, or Pensions shall have been granted or created within any Year, the Particulars thereof shall be specially stated and explained at the Foot of the Account of the said Year.

Commence-
ment of Act.

CXVII. And be it enacted, That this Act shall commence and take effect from and after the passing thereof, so far as to authorize the Appointment or prospective or provisional Appointment of the Governor General of *India*, Governors, Members of Council, or other Officers, under the Provisions herein contained, and so far as herein-before in that Behalf mentioned, and as to all other Matters and Things, from and after the Twenty-second Day of *April* next.

CAP. LXXXVI.

An Act to provide for the Payment of certain ancient Grants and Allowances formerly paid out of the Civil List Revenues. [28th August 1833.]

2&3W.4.c.116.

‘ WHEREAS an Act was passed in the Second and Third Years of the Reign of His present Majesty, intituled *An Act to provide for the Salaries of certain High and Judicial Officers, and of Payments heretofore made out of the Civil List Revenues*, whereby Provision was made for several of the Payments formerly made out of the Civil List Revenues for which no Provision had been made in the Civil List of His present Majesty: And whereas, in order fully to provide for all the several Officers and Payments formerly charged upon and paid out of the Civil List Revenues, as contemplated by and set forth in an Act passed in the First Year of the Reign of His present Majesty, intituled *An Act for the Support of His Majesty's Household, and of the Honour and Dignity of the Crown of the United Kingdom of Great Britain and Ireland*, it is necessary to authorize the Payment, out of the Hereditary Land Revenues of the Crown, of certain ancient Perpetuities, Grants, Stipends, Salaries, and Allowances heretofore charged upon the Civil List in *England* and *Ireland*, and not yet provided for by Parliament: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and

1 W. 4. c. 25.

and by the Authority of the same, That it shall be lawful for the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain and Ireland*, or any Three or more of them, from Time to Time to direct and authorize the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings to pay and apply, out of the Produce of the Hereditary Land Revenues, Woods, and Forests of the Crown under their Management, an annual Sum not exceeding in the whole Six thousand one hundred and fifty-seven Pounds Seventeen Shillings and Eight-pence, for the Payment of divers ancient Perpetuities, Grants, Stipends, Salaries, and Allowances which prior to the Accession of His present Majesty had been chargeable on and paid out of the Civil List Revenues of *England and Ireland*, and for which no Provision has been made by the said recited Acts; the said Charge to commence and take effect, and to be paid and payable, from the Fifth Day of *April* One thousand eight hundred and thirty-two: Provided always, that nothing herein contained shall authorize the Commissioners of the Treasury to give or grant any greater, higher, or other Interest in any of the said Perpetuities, Grants, Stipends, Salaries, and Allowances, than the Parties respectively entitled thereto held or enjoyed under the Grants in force at the Time of the Decease of His late Majesty.

The Treasury may authorize the Commissioners of Woods, Forests, &c. to apply, out of the Revenues under their Management, an annual Sum for Payment of certain ancient Grants formerly chargeable on the Civil List.

CAP. LXXXVII.

An Act for remedying a Defect in Titles to Messuages, Lands, Tenements, and Hereditaments allotted, sold, divided, or exchanged under Acts of Inclosure, in consequence of the Award not having been inrolled, or not having been inrolled within the Time limited by the several Acts; and for authorizing the Appointment of new Commissioners in certain Cases where the same shall have been omitted. [28th August 1833.]

WHEREAS by divers Acts of Inclosure the Awards or Instruments in Writing, thereby directed to be formed and drawn up or made by the Commissioner or Commissioners appointed by or by virtue of such Acts for executing the Powers and Authorities thereof respectively, are directed or required to be inrolled by or with the Clerk of the Peace of the County, Riding, Division, Soke, or Place in which the Lands to which such Acts respectively relate are situated, or in one of His Majesty's Courts of Record at *Westminster*, or in some other Court, and, in certain of the said Acts, within certain Times mentioned in such Acts next after the Execution of such Awards or Instruments in Writing respectively; and in certain of the said Acts new Commissioners are directed to be appointed within certain Times thereby respectively limited: And whereas in a great Number of Instances such Awards or Instruments in Writing have not been inrolled, or have not been inrolled within the Time directed or required by the several Acts; and by reason of such Omission the Title to the Messuages, Lands, Tenements, and Hereditaments allotted, sold, divided, or exchanged under such Acts respectively may be considered defective; and in many Instances new Commissioners have not been appointed within the Time directed by the several

‘ Acts : And whereas it is expedient that Provision should be made ‘ for remedying such Defects :’ May it therefore please Your Majesty that it may be enacted ; and be it enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Award already made and executed under or in pursuance of any Act of Inclosure, and which has not been inrolled, or which has not been inrolled within the Time limited by the Act under or in pursuance of which such Award shall have been made, shall from the Time of the Execution of such Award be as good and valid and of the same Effect in all respects as if such Award had been inrolled in the Manner, and within the Time, if any, appointed and limited for that Purpose in the Act under or in pursuance of which the same has been made.

All Awards already made but not inrolled shall, from the Execution thereof, be as valid as if inrolled within the Time limited by the Act.

Proprietors of Lands may cause Awards to be inrolled.

II. And be it further enacted, That where any Award already made and executed under or in pursuance of any Act of Inclosure has not been inrolled, it shall be lawful for any Person or Persons having or deriving Title to any Messuages, Lands, Tenements, and Hereditaments under such Award, at his, her, or their Expence, to require and cause such Award, with any Maps or Plans annexed or relating thereto, to be inrolled in any one of His Majesty’s Courts of Record at *Westminster*, or by the Clerk of the Peace of the County, Riding, Division, Soke, or Place in which the Lands to which such Award shall relate are situated, to the end that Recourse may be had thereto by any Person or Persons interested therein, for the Inspection and Perusal whereof no more than One Shilling shall be paid ; and a Copy of such Award when so inrolled, or of any Part thereof, signed by the proper Officer of the Court wherein the same shall be inrolled, or by the Clerk of the Peace for such County, Riding, Division, Soke, or Place, or his Deputy, purporting the same to be a true Copy, shall from Time to Time be made and delivered by such Officer or Clerk of the Peace for the Time being, or his Deputy, to any Person or Persons requesting the same, for which no more shall be paid than Three-pence for every Sheet of Seventy-two Words ; and every Award already made, whether inrolled or not, and every Copy of such Award when inrolled as aforesaid, or of any Part thereof, signed as aforesaid, shall at all Times be admitted and allowed in all Courts whatsoever as legal Evidence.

Copy of any Award so inrolled and signed by the proper Officer to be delivered to any Person requiring the same.

As to Practice requiring Acknowledgment of Deeds.

III. And be it further enacted, That if any Commissioner shall be dead or incapable of acknowledging his Award before such Award shall be inrolled, the same Award may be inrolled without the Acknowledgment of such Commissioner, on due Proof being given that such Award is the Deed or Instrument of such Commissioner.

As to the Possession of Awards when deposited.

IV. And be it further enacted, That where any Award already made and executed under or in pursuance of any Act of Inclosure shall be deposited in any Parish Church, it shall be considered as in the Custody of the Officiating Minister and Churchwardens for the Time being of such Parish Church ; and where any such Award shall be in the Possession of the Lord of any Manor to or for whom, or to or for any preceding Lord of which Manor, any Allotment shall have been made under such Award, or in the Possession of the Steward of such Manor, it shall be considered as in the Custody of the

the Lord of such Manor for the Time being ; and the Steward shall, when required, deliver up the same accordingly ; and the said Minister and Churchwardens, or Lord, as the Case may be, shall from Time to Time, upon the Request of any Person or Persons interested in any Allotment or Allotments, or otherwise, under such Award, cause the same to be produced for the Inspection of such Person or Persons on being paid by him, her, or them a just and reasonable Compensation for such Production, and shall also cause the same to be produced for the Purpose of being inrolled, or in any Court of Law or Equity, or on any other Occasion, for the Purpose of being given in Evidence, on being paid all just Expences.

V. And be it further enacted, That where any such Award as aforesaid shall not be deposited in the Parish Church of the Parish in which the Lands to which such Award shall relate are situated, and shall not be in the Possession of the Lord or Steward of any Manor to or for the present or any preceding Lord of which Manor an Allotment shall have been made under such Award, but shall be in the Possession of any other Person, it shall be lawful for any Person or Persons interested in any Allotment or Allotments, or otherwise, under such Award, to require the same to be deposited in the Parish Church of the Parish in which the Lands to which such Award shall relate are situated, and the Person in whose Possession the same shall be shall, on such Request, deliver up the same to the Minister and Churchwardens for the Time being of such Parish Church, for the Purpose of being so deposited.

Proprietors may require Awards to be deposited in the Church or with the Lord of the Manor.

VI. And be it further enacted, That in all Cases where in or by virtue of any Act or Acts of Inclosure heretofore passed Provision hath been made for the Election, Nomination, or Appointment, within a Time therein limited or directed, of a new Commissioner or Commissioners in the Event of the Death, Refusal, or Neglect to act of the Commissioner or Commissioners appointed by or by virtue of such Act or Acts, or of his or their becoming, by reason of Absence beyond the Seas, or otherwise, incapable of acting in the Execution of the Powers, Authorities, and Trusts in such Commissioner or Commissioners vested and reposed, before the same and every of them shall have been fully executed and performed, and where any such Election, Nomination, or Appointment as aforesaid, or any of them, shall have been neglected or omitted to have been made, pursuant to such Act or Acts, within the Time or Times thereby limited or directed, then and in every such Case it shall and may be lawful to and for the Person or Persons by any such Act or Acts of Inclosure authorized or empowered for that Purpose, and on such Notice or Notices and at such Meeting or Meetings (if any) as required or directed by any such Act or Acts of Inclosure, to proceed at any Time after the passing of this Act to the Election, Nomination, and Appointment of, and to elect, nominate, and appoint in such Manner as by such Act or Acts of Inclosure is or are directed, One or more fit and proper Person or Persons (as the Case may require), not interested in the Division, Allotment, or Inclosure by such Act or Acts of Inclosure directed or authorized to be made, and not otherwise disqualified by such Act or Acts respectively, as a Commissioner or Commissioners in the Room, Place, or Stead of the Commissioner or Commissioners so dying, refusing, or neglecting, or becoming incapable of acting as aforesaid, and to do all other

Providing for Appointment of Commissioners in Cases where they have been neglected or omitted to be made.

Acts, Matters, and Things which shall be requisite or necessary for effecting the Purposes aforesaid, notwithstanding the Time so limited or appointed as aforesaid for doing or performing the same shall then have elapsed, and so from Time to Time as often as any Commissioner so to be elected, nominated, or appointed as aforesaid shall die, refuse, neglect, or become incapable of acting as aforesaid; and the several Writings appointing such new Commissioner or Commissioners, and all other Documents (if any) relative thereto, shall be deposited or disposed of as by such Act or Acts of Inclosure is or are directed; and every Commissioner to be elected, nominated, or appointed by virtue of this Act to execute the Powers, Authorities, and Trusts of any Act or Acts of Inclosure as aforesaid, having first taken the Oath or Oaths, and complied with the other Terms or Conditions (if any) prescribed in and by such Act or Acts of Inclosure, shall have the same Powers and Authorities, and no others, for putting or carrying into execution such Act or Acts, as if he had been duly elected, nominated, and appointed for those Purposes, within the Time limited or directed by such Act or Acts of Inclosure.

Act not to give greater Validity to Awards than as respects the Defects.

VII. Provided always, and be it further enacted, That nothing herein contained shall extend to affect any public Right, or otherwise to give any greater Force or Validity to any Award already made and executed under or in pursuance of any Act of Inclosure, than such Award would have had if this Act had not been made, except so far as respects the several Defects herein-before respectively specified and provided for.

CAP. LXXXVIII.

An Act to continue for Seven Years, and from thence to the End of the then next Session of Parliament, an Act of the Fifty-ninth Year of King *George* the Third, for facilitating the Recovery of the Wages of Seamen in the Merchants Service. [28th August 1833.]

‘ **W**HEREAS an Act was passed in the Fifty-ninth Year of His late Majesty King *George* the Third, for facilitating the Recovery of the Wages of Seamen in the Merchant Service; which Act was, by another Act passed in the Seventh Year of the Reign of His late Majesty King *George* the Fourth, continued for a Term of Seven Years: And whereas it is expedient that the said first-mentioned Act should be continued for a further Term: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Act of the Fifty-ninth Year of His late Majesty King *George* the Third, for facilitating the Recovery of the Wages of Seamen in the Merchant Service, shall be and the same is hereby further continued for Seven Years, to be computed from the passing of this Act, and from thence to the End of the then next Session of Parliament.

The Act 59 G. 3. c. 58. for facilitating the Recovery of Wages of Seamen in the Merchant Service, continued for Seven Years.

CAP. LXXXIX.

An Act to authorize the Issue of a Sum of Money out of the Consolidated Fund towards the Support of the Metropolitan Police. [28th August 1833.]

‘ WHEREAS an Act was passed in the Tenth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for improving the Police in and near the Metropolis* : 10 G. 4. c. 44. And whereas it was among other Things therein enacted, that as soon as the Police to be appointed under that Act should take charge of any Parish, Township, Precinct, or Place, whether Parochial or Extra-parochial, within the Metropolitan Police District, it should be lawful for the Justices appointed under that Act forthwith, and so from Time to Time, subject to the Approval of One of His Majesty’s Principal Secretaries of State, to issue a Warrant under their Hands to the Overseers of the Poor of every such Parish, Township, Precinct, or Place, by which Warrant they should command the said Overseers, out of the Money collected for the Relief of the Poor in such Parish, Township, Precinct, or Place, to pay the Amount mentioned in the Warrant for the Purposes of the Police under that Act, or to levy such Amount as a Part of the Rate for the Relief of the Poor in such Parish, Precinct, Township, or Place ; and that the Overseers should pay over the Amount mentioned in the Warrant to the Receiver to be appointed under that Act within Forty Days from the Delivery of such Warrant to any one of the Overseers ; provided always, that the Sum to be paid for the Purposes of Police under that Act should not exceed in the whole in any One Year the Rate of Eight-pence in the Pound on the full and fair annual Value of all Property rateable to the Relief of the Poor within such Parish, Township, Precinct, or Place, such full and fair annual Value to be computed according to the last Valuation for the Time being acted upon in assessing the County Rate ; and that the Warrant should specify the Rate in the Pound upon which the Sum mentioned therein should be computed : And whereas it is just and expedient that the said Parishes, Townships, Precincts, or Places should be relieved of Part of such Charge, and that Part thereof should be paid out of the Consolidated Fund, upon certain Conditions, in the Manner herein after mentioned :’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That upon the Certificate of One of His Majesty’s Principal Secretaries of State, that the Overseers of the Poor of any Parish, Township, Precinct, or Place have paid all Arrears due under the said recited Act, or have made Arrangements for the Payment of the same satisfactory to the said Secretary of State, and have also raised and paid, within the Period prescribed by the said recited Act, a Sum equal to Three-pence in the Pound on the full annual Value of all Property, rated according to the Provisions of the said recited Act, towards the Discharge of any Warrant issued after, or which shall not have become due before, the passing of this Act, for maintaining the Police of the Metropolis

On Certificate from Secretary of State that Arrears and Rates required under the recited Act have been paid in any Parish, &c., the Treasury to direct such Sum as shall be necessary in addition thereto to be

advanced from
Consolidated
Fund.

Metropolis for the Six Months next ensuing, the Lord High Treasurer or the Commissioners of His Majesty's Treasury for the Time being, or any Three or more of them, shall direct, by Warrant under their Hands and Seals, such a Sum for and in addition to every Three-pence so raised and paid as aforesaid, to be issued and paid from the Consolidated Fund of the United Kingdom of *Great Britain and Ireland* to the Receiver appointed under the said Act, as may be required in addition to the Sum raised by such Three-pence in the Pound, to defray the Charge of maintaining the Police of the Metropolis; and no such Parish, Township, Precinct, or Place, having paid all Arrears and such Three-pence in the Pound as aforesaid, shall be subject to any further higher Charge towards defraying the Charge of the Police during the Period of Six Months from the Date of any such Warrant, any thing in the said recited Act to the contrary notwithstanding.

Sum advanced
not to exceed
60,000*l.* in any
one Year.

II. Provided always, and be it further enacted, That no larger Sum than Sixty thousand Pounds shall be issued out of the Consolidated Fund in any One Year for the Purpose aforesaid, and for the general Maintenance of the Police of the Metropolis; which said Sum shall be issued and paid free and clear of all Rates, Fees, and Impositions whatsoever.

Powers of re-
cited Act, as to
enforcing Pay-
ment, not to be
altered.

III. Provided also, and be it further enacted, That nothing in this Act contained shall alter or repeal any of the Powers given by the said recited Act for enforcing the Payment of any Warrants which may be issued from Time to Time according to the Provisions of the said Act.

Application of
and accounting
for the Money.

IV. And be it enacted, That the Receiver appointed under the said recited Act shall, with respect to the Application of and accounting for such Sum or Sums as shall be issued and paid to him out of the Consolidated Fund under this Act, be subject to the same Regulations and Provisions to which he is subject under the said Act with respect to the Monies receivable by him under the said Act.

CAP. XC.

An Act to repeal an Act of the Eleventh Year of His late Majesty King *George* the Fourth, for the lighting and watching of Parishes in *England* and *Wales*, and to make other Provisions in lieu thereof. [28th August 1833.]

11 G. 4. c. 27. **W**HEREAS an Act was passed in the Eleventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to make Provision for the lighting and watching of Parishes in England and Wales*: And whereas Doubts have arisen as to the Construction of some of the Provisions of the said Act, and it is expedient that the said Act should be repealed, and that other Provisions should be substituted in lieu thereof: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the said Act passed in the Eleventh Year of the Reign of His said late Majesty King *George* the Fourth shall be and the same is hereby repealed.

Recited Act
repealed.

II. Provided always, and be it further enacted, That nothing herein contained shall extend or be deemed or construed to interfere with any Rates made, Acts done, or Contracts or Agreements heretofore made under the Authority of the said recited Act previous to the Repeal of the said Act, or to prevent or defeat any Prosecution commenced or to be brought for any Offence against the said Act; but all Rates made, and Penalties and Forfeitures incurred, may be raised, levied, sued for, and recovered, and all Contracts and Agreements may be enforced, and all Nuisances and other Offences made or committed previously to the Repeal of the said recited Act against the Provisions of the said Act may be abated or prosecuted by the Inspectors appointed under the said recited Act or this Act, in the same Manner to all Intents and Purposes as if this Act had not been passed.

Such Repeal not to affect the Proceedings under that Act, previous to the passing of this Act.

III. Provided always, and be it further enacted, That the Inspectors appointed under the Authority of the said recited Act shall continue to act, and shall have the same Powers, Authorities, and be subject to the Discharge of the same Duties as the Inspectors to be appointed under the Authority of this Act.

Inspectors under former Act to continue to act until others appointed.

IV. 'And whereas it is desirable to make Provision for the lighting and watching of the several Parishes in *England* and *Wales*;' be it enacted, That this Act, and the several Provisions thereof, shall apply to and may be adopted, under and subject to the Regulations herein contained, by all or any or either of the Parishes in *England* and *Wales*.

Act applicable to all Parishes.

V. And be it further enacted, That from and after the passing of this Act, upon the Application in Writing of Three or more of the Rate-payers of any Parish, it shall be lawful for the Churchwardens thereof, and they are hereby required, within Ten Days after the Receipt of such Application as aforesaid, to appoint and notify a Time and Place for a public Meeting of the Rate-payers of the said Parish, for the Purpose of determining whether the Provisions in this Act contained shall be adopted and carried into execution in the said Parish: Provided always, that the Time appointed for holding the said Meeting shall not be less than Ten Days and not more than Twenty-one Days from the Time of the said Application so being delivered to them as aforesaid, and that Notification of the Time and Place of Meeting shall be made by forthwith affixing a Notice on the principal outer Door of every Parish Church or Chapel situate within such Parish, or on the usual Place of affixing Notices relating to the Parochial Affairs of any such Parish, and also by Publication of the same in the Parish Church or Chapel on the *Sunday* previous to the Day appointed for holding such Meeting, during or immediately after Divine Service.

On Application of Three rated Inhabitants, Churchwardens to convene a Meeting in Vestry to determine whether the Provisions of this Act shall be adopted.

VI. And be it further enacted, That such Person as may be elected by the Rate-payers present shall preside as Chairman at such Meetings; and that if any Controversy shall arise at any such Meeting as to the Qualification or Right of voting or Eligibility of any Person claiming to vote, or as to the Qualification or Eligibility of any Candidate, such Controversy shall be determined by the Chairman presiding at such Meeting.

Chairman to be elected, who shall determine any Controversies.

VII. And be it further enacted, That the Chairman who shall preside at any Meeting assembled as herein directed shall read or

Chairman to read Requisition, and re-

quire Persons
to determine
whether Act
shall be adopted.

cause to be read the Requisition whereupon the Meeting shall have been summoned, and shall require the Persons assembled thereat to determine by Majority of Votes, as herein mentioned, whether the Provisions of this Act, as herein set forth, shall or shall not be adopted and acted upon within such Parish: Provided nevertheless, that it shall be lawful for the Majority of the Rate-payers present to adjourn such Meeting from Time to Time.

If Meeting de-
termine to pro-
ceed, the Pro-
visions of this
Act shall thence-
forth take effect.

VIII. And be it further enacted, That if at any such Meeting it shall be determined by a Majority consisting of Two Thirds of the Votes of the Rate-payers present at such Meeting that the Provisions of this Act shall be adopted, then and in such Case such Provisions shall from thenceforth take effect and come into operation in such Parish; and it shall forthwith be determined that a certain Number not being more than Twelve nor less than Three Inspectors shall be elected to carry such Purposes into effect; and the Number of Inspectors so determined upon shall be elected in manner herein mentioned.

Inhabitants to
fix Amount of
Money to be
raised.

IX. And be it further enacted, That the Rate-payers of such Parish shall at their first Meeting, or at some Adjournment thereof, and so on from Time to Time in every succeeding Year at a Meeting to be called for that Purpose in manner herein directed, fix and determine the total Amount of Money which the Inspectors shall have Power to call for in any One Year, in order to carry into effect the Provisions of this Act, such Sum to be raised in the Manner herein directed, upon the full and fair annual Value of all Property rateable for the Relief of the Poor within such Parish, such full and fair annual Value to be computed according to the last Valuation for the Time being acted upon in assessing the Poor's Rate for the said Parish: Provided nevertheless, that any Five rated Inhabitants, qualified to vote as herein mentioned, may, at such Meeting or Adjournment thereof, in Writing given to the Chairman of the said Meeting, demand a Poll to be taken of the Rate-payers qualified to vote upon the Question as to whether this Act and the Provisions thereof, or any Part thereof, shall be adopted in such Parish, and also as to the Amount of Money to be raised in the succeeding Year for the Purposes thereof, and the Number of Inspectors to be elected as determined at such Meeting, and which said Demand of a Poll the said Chairman is required forthwith to deliver to the Churchwardens of the said Parish.

Poll may be
demanded as to
Adoption of
Act.

X. And be it further enacted, That the said Churchwardens of the said Parish shall, on the first *Sunday* next after the Receipt of such Demand of a Poll, affix or cause to be affixed a Notice on the principal outer Door of every Parish Church or Chapel situate within such Parish, or on the usual Place of affixing Notices relating to Parochial Affairs of any such Parish, specifying some Day, not earlier than Ten Days and not later than Twenty-one Days after such *Sunday*, and at what Place or Places within the said Parish, the Rate-payers are required to signify their Votes for or against the Adoption of this Act, or such Part thereof as may have been agreed upon at the said Meeting, as well as with respect to the annual Amount of Money to be raised in the succeeding Year for the Purposes thereof, and the Number of Inspectors to be elected as determined at such Meeting, which Votes shall be received on Two successive Days, commencing at Eight of the Clock in the Fore-
noon

noon and ending at Four of the Clock in the Afternoon of each Day; and the said Notice shall be to the following Effect:

‘THE Churchwardens of this Parish [*insert the Name of the Parish*] having received a Demand for a Poll, duly signed according to the Provisions of an Act of the Fourth Year of the Reign of King William the Fourth, intituled *An Act, &c.* [*setting out the Title of the Act*], the Rate-payers of this Parish of [*insert the Name of the Parish*] are hereby required, all and each of them, on the _____ Day of _____ next, and the following Day, to signify to the said Churchwardens, by a Declaration, either printed or written, or partly printed or partly written, addressed and delivered to One of the Churchwardens at [*insert here the Place*], their Votes for or against the Adoption of the aforesaid Act, or so much thereof as relates to watching or lighting [*as the Case may be*], the Amount of the Money to be raised in the succeeding Year for the Purposes thereof, being [*here insert the Sum agreed on at the Meeting*], and the Number of Inspectors to be elected [*insert the Number also agreed on*], such Sum and such Number of Inspectors being fixed and determined upon at a Meeting of the Rate-payers called pursuant to the said Act.

Form of Notice.

(Signed)

Churchwardens.’

XI. And be it further enacted, That the said Declaration shall be to the following Effect:

Form of Declaration.

‘I A.B. of _____ Street [*or* _____ Place *or* House] in this Parish of _____ vote [*for or against, as the Case may be,*] the Adoption of the Act of the Fourth Year of the Reign of His Majesty King William the Fourth, intituled *An Act, &c.* [*set out Title of the Act*], or so much thereof as relates to watching or lighting [*as in the Notice*], the Amount of the Money to be raised in the succeeding Year for the Purposes thereof, being [*as in Notice*], and the Number of Inspectors to be elected [*as in Notice*].’

XII. And be it further enacted, That the said Churchwardens shall carefully examine the Votes to them delivered as aforesaid, and shall compare them with the last Rate made for the Relief of the Poor of the said Parish, and shall be empowered to call before them and examine any Parish Officer touching the said Votes, or any Rate-payer so giving his Vote, and after a full and fair summing-up of the said Votes shall, by public Notice according to the Form and Manner hereafter prescribed, declare whether or not Two Thirds of the Votes given have been given in favour of the Adoption of the said Act (or so much thereof as relates to watching or lighting, as in the Notice), and also as to the Sum of Money to be raised in the succeeding Year, and the Number of Inspectors to be elected to be (as in the Notice): Provided always, that the whole Number of Persons voting shall be a clear Majority of the Rate-payers of the Parish: Provided also, that in case of a Poll being demanded as aforesaid, the Adoption or Non-adoption of this Act, with the Sum to be raised, and the Number of Inspectors to be elected as aforesaid, shall be decided by such Number of Votes as aforesaid: Provided also, that the Expences incurred by the Churchwardens in calling such Meeting, giving the Notices as aforesaid, and in taking such

Churchwardens to examine the Votes, and declare whether Two Thirds of them are in favour of adopting this Act.

ready to produce their Accounts, and Church-wardens to call a Meeting for that Purpose.

Meetings in future Years.

Inspectors at such Meeting to produce Accounts; One Third of them to go out of Office and others elected.

Chairman to decide Questions as to Eligibility, &c.

How Vacancies in the Number of Inspectors shall be filled up.

Inspectors to meet monthly.

the said Parish that they are ready to produce their Accounts and Vouchers for the previous Year, and thereupon the said Church-wardens shall give due Notice, in the Manner required with respect to the first Meeting to be held under this Act, that a Meeting of the Rate-payers of the said Parish will be held at an Hour and Place in the said Notice to be mentioned, on some Day, not being a *Sunday*, within Ten Days from the Receipt of such Notice, for the Purpose of the said Inspectors producing such Accounts and Vouchers; and for the Election of Inspectors for the Execution of this Act, and for determining the Amount of the Money to be raised for the Purposes of this Act, for the current Year; and in every future Year such Meeting shall, for the Purposes aforesaid, be held on the same Day in the corresponding Month, except such Day should fall on a *Sunday*, and then on the Day following.

XIX. And be it further enacted, That at such Annual Meeting the said Inspectors shall produce their Accounts and Vouchers of all Monies received and paid by virtue of this Act for the previous Year; and a Duplicate or Copy of such Accounts, verified on Oath before any Two Justices by the said Inspectors or any Two of them, shall be deposited with the said Inspectors, and shall be open at all reasonable Times to the Inspection of all Parties interested; and at such Annual Meeting One Third of the Inspectors, or as near thereto as the Number appointed will admit of, shall go out of Office in rotation; and in place of such Inspectors so going out of Office a like Number of other Inspectors shall be elected: Provided always, that any of such outgoing Inspectors shall be re-eligible, and may be re-elected, and shall in such Case continue to act and remain in Office, any thing herein contained to the contrary notwithstanding.

XX. And be it further enacted, That the Chairman appointed to preside at such Annual Meeting shall proceed in such Manner as the Chairman at the first Meeting to be held under this Act is herein-before directed to proceed at the Election of the Inspectors to be first appointed for the Execution of this Act, and shall decide on Questions which may arise as to the Eligibility or Qualification of any Person whatsoever, and as to all Matters whatsoever connected with the said Election, and shall declare the Result of the same as aforesaid.

XXI. And be it further enacted, That in case any Inspector shall die, or become disqualified by Change of Residence or otherwise, or shall neglect to act, and in case of any casual Vacancy happening in any Manner whatever, so that the Number of Inspectors shall be reduced to less than Three, Notice shall be immediately given by the acting Inspectors to the Churchwardens of the Parish, who shall forthwith, in the Manner directed by this Act, call a Meeting of the rated Inhabitants as aforesaid for the Purpose of filling up such Vacancy or Vacancies.

XXII. And be it further enacted, That the Inspectors for executing this Act in any Parish shall meet on the first *Monday* in every Month, at Noon, at some convenient Place or Office previously publicly notified; and at such Monthly Meeting it shall be lawful for any Inhabitant rated to the Relief of the Poor of any such Parish to appear there, and prefer any Matter of Complaint which he may think proper to make concerning any Matter or Thing

done by force or in pursuance of or under pretence of the Provisions of this Act.

XXIII. And be it further enacted, That such Inspectors shall meet at all other Times and so often as at any previous Meeting shall be determined upon; and it shall be at all Times competent for any One Inspector, when Three Inspectors only shall have been appointed, and in all other Cases for any Two Inspectors, by Writing under his or their Hands, to summon, upon at least Forty-eight Hours Notice, the Inspectors for any special Purpose therein named, and for such Time as shall be therein named; and that at all Meetings of such Inspectors any Number not less than One Third of the whole Number when more than Three Inspectors shall have been appointed, and when only Three Inspectors shall have been appointed then not less than Two Inspectors, shall constitute a Quorum for transacting Business.

Special Meetings of Inspectors.

Quorum.

XXIV. And be it further enacted, That it shall be lawful for the said Inspectors elected in any Parish under this Act for the Time being, and they are hereby authorized and required, to appoint, during Pleasure, such Treasurer and other Officers as they shall think necessary for effecting the Purposes of this Act, and to remove and displace the same, and to hire and rent a sufficient Office or House or Room for holding their Meetings and transacting their Business, and also to appoint suitable Salaries, Wages, and Allowances to and for such Treasurer and other Officers, and also to agree for a reasonable Rent for such Office or House or Room, and to pay such Salaries, Wages, and Allowances, and such Rent, out of the Monies received by the Inspectors under the Authority of this Act: Provided nevertheless, that no Person shall at the same Time hold Two Offices or Situations under the said Inspectors.

Inspectors to appoint Officers during Pleasure, and rent an Office for the Transaction of their Business.

XXV. And be it further enacted, That it shall be lawful for the said Inspectors, or any Two or more of them, and they are hereby required, to take Security from the Treasurer to be appointed by virtue of this Act for the due Execution of his Office of Treasurer, according to the true Intent and Meaning of this Act, which Security shall be to the full Amount of the Sum likely to be in the Hands of the said Treasurer at any one Time; and in case any such Treasurer shall neglect or refuse for the Space of Three Weeks next after his Appointment to give or offer such Security to the Satisfaction of the said Inspectors, then the Appointment of every such Person so neglecting or refusing shall be null and void to all Intents and Purposes, and the said Inspectors shall within Three Weeks then next assemble and appoint some other fit and proper Person to the Office of Treasurer, instead of the Person so refusing or neglecting as aforesaid, and shall so assemble and appoint from Time to Time until Security shall be given to their Satisfaction as aforesaid.

Security to be taken from Treasurer.

XXVI. And be it further enacted, That every such Treasurer and other Officer appointed by virtue of this Act shall under his respective Hand, and at such Time or Times and in such Manner as the said Inspectors shall direct, deliver to the said Inspectors, or such Person as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to his Charge by virtue of this Act, and also of all Monies which shall have been by such

Treasurer and Officers to account.

Proceedings
against Officers
neglecting to
account.

such Officer received by virtue of or for the Purposes of this Act, and of how much thereof shall have been expended and disbursed, and for what Purposes, together with proper Vouchers for such Payments; and that every such Officer shall pay all such Monies as shall remain due from him to the Treasurer for the Time being, or to such Person or Persons as the said Inspector shall appoint to receive the same; and if any such Treasurer, Officer, or other Person shall refuse or neglect to make and render such Account, or to produce and deliver up the Vouchers relating to the same, or to make Payments as aforesaid, or shall refuse or wilfully neglect to deliver to the said Inspectors or to such Person or Persons as they shall appoint to receive the same, within Three Days after being thereunto required by the said Inspectors by Notice in Writing under the Hands and Seals of any Two or more of the said Inspectors given to or left at the last or usual Place of Abode of such Officer, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, or to give Satisfaction to the said Inspectors or such other Person or Persons as aforesaid respecting the same, then and in every such Case, upon Complaint made by the said Inspectors, or by such Person or Persons as they the said Inspectors shall appoint for that Purpose, of any such Refusal or wilful Neglect as aforesaid, to any Justice of the Peace, such Justice may and he is hereby authorized and required to issue a Summons under his Hand and Seal for the Officer so refusing or neglecting to appear before Two Justices of the Peace; and upon the said Officer appearing, or having been so summoned and not appearing without some sufficient and reasonable Excuse, or not being found, it shall be lawful for the said Justices to hear and determine the Matter in a summary Way; and if, upon Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justices are hereby empowered to administer,) it shall appear to such Justices that any Monies remain due from such Officer, such Justices may and they are hereby authorized and required, upon Nonpayment thereof, by Warrant under their Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer; and if no Goods and Chattels of such Officer shall be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the said Goods and Chattels, or if it shall appear to such Justices that such Officer had refused or wilfully neglected to render and give such Account, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of this Act remained in the Hands or in the Custody or Power of such Officer, and he refused or wilfully neglected to deliver or give Satisfaction respecting the same as aforesaid, then and in every such Case such Justices shall and they are hereby required to commit such Offender to the Common Gaol or House of Correction for the County, City, or Place where such Offender shall be or reside, there to remain, without Bail or Mainprize, until he shall have given a true and perfect Account as aforesaid, or until he shall have paid such Monies as aforesaid, or compounded with the said Inspectors for such Money, and shall have paid such Composition in such Manner as they shall appoint, (which Composition the said Inspectors are hereby empowered to make

make and receive,) and until he shall have delivered up such Books, Papers, and Writings, or given Satisfaction in respect thereof, to the said Inspectors or to such other Person or Persons as aforesaid; but no such Offender shall be kept or detained in such Common Gaol or House of Correction for Want of sufficient Distress by virtue of this Act for any longer Space or Time than Three Calendar Months.

XXVII. And be it further enacted, That no Prosecution or Commitment, under the Provisions of this Act, of any Treasurer or other Officer or Person to be appointed under the Powers of this Act, shall acquit or discharge any Surety or Security that shall or may have been taken by or given to the said Inspectors for the due and faithful Execution of his or their Office, or the Payment of the Monies received or to be received by him or them respectively.

Commitment of Offender not to discharge his Sureties.

XXVIII. And be it further enacted, That if any Person who shall be employed as Treasurer, or any other Officer or Servant who shall be in anywise employed by the said Inspectors for putting this Act or any of the Powers thereof into execution, shall exact, take, or accept any Fee or Reward whatsoever other than such Salaries, Allowances, and Rewards as are appointed by this Act, or shall be appointed, allowed, and approved of by the said Inspectors, for or on account of any thing done or to be done by virtue of this Act, or on any Account whatsoever relative to putting this Act into execution, or shall in anywise be concerned or interested in any Bargain or Contract made or to be made by the said Inspectors; and no Person, during the Time he holds the Office of Inspector, shall accept or hold any Office or Place of Trust created by virtue of this Act within the said Parish, or shall be concerned directly or indirectly in any Contract with the said Parish; every such Person so offending shall be incapable of ever serving or being employed under this Act, and shall over and above forfeit the Sum of Fifty Pounds to any Person or Persons who shall sue for the same.

Officers taking any Fee or Reward besides the Salary or Fees appointed to forfeit 50*l*.

XXIX. And be it further enacted, That the said Inspectors may sue and be sued in the Name of any One of the Inspectors for the Time being; and all Actions or Suits that may be necessary or expedient to be brought for the Recovery of any Penalty or Sum of Money due or payable by virtue of this Act, or for or in respect of any other Matter or Thing relating to this Act, may be brought in the Name of any One of the said Inspectors; and that no Action or Suit which may be brought, commenced, or prosecuted by or against the said Inspectors, or any of them, by virtue or on account of this Act, shall abate or be discontinued by the Death, Resignation, or Removal of such Inspector, but such Inspector shall be deemed Plaintiff or Defendant in any such Action or Suit (as the Case may be): Provided also, that in all Cases in which the Inspector as aforesaid shall, in pursuance of this Act, be the Plaintiff or Defendant on the Record in any Action or Actions, Suit or Suits, in which in effect the said Inspectors shall be suing or sued in the Name of such One Inspector as aforesaid, he (although appearing as the Plaintiff or Defendant on the Record) may and shall nevertheless (if not otherwise interested or objectionable) be a good examinable and competent Witness in every Action or Suit either for or against the said Inspectors; and all the Affidavits of Debt or Service which may be necessary or expedient to be made preparatory

Inspectors may sue and be sued in the Name of any One of them.

tory to or in the Prosecution or Defence of any and every such Action, Suit, or Proceeding shall and may be lawfully made by such One Inspector, notwithstanding he shall be nominal Plaintiff or Defendant on the Record as aforesaid: Provided also, that every or any such Inspector in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act shall always be reimbursed and paid, out of the Monies to arise by virtue of this Act, all such Costs, Charges, and Expences as he shall be put to or become chargeable with by reason of his being made Plaintiff or Defendant therein; and in case of his Removal from Office, or ceasing to act as such Inspector, all such Costs, Charges, and Expences shall be paid by the Inspector for the Time being; and no Inspector shall be personally answerable or liable for the Payment of the same or any Part of them, unless such Action or Suit shall arise in consequence of his own wilful Neglect or Default, or have been brought or commenced or be defended without the Order or Direction of the said Inspectors.

Proceedings at Meetings of Inspectors to be entered in Books, which shall be good Evidence.

XXX. And be it further enacted, That all Acts, Orders, and Proceedings of the said Inspectors at any of their Meetings shall be entered in a Book to be kept by them for that Purpose, and shall be signed by Two of the Inspectors who were then present; and all such Acts, Orders, and Proceedings shall then be deemed and taken to be original Acts, Orders, and Proceedings; and such Books shall and may be produced and read as Evidence of all such Acts, Orders, and Proceedings upon any Appeal or Trial or Information, or any Proceedings, Civil or Criminal, and in any Court or Courts of Law or Equity whatsoever.

Accounts to be kept.

XXXI. And be it further enacted, That the said Inspectors shall and they are hereby required from Time to Time to order and direct a Book or Books to be provided and kept, in which Book or Books shall be entered true and regular Accounts of all Sums of Money received, paid, and expended for or on account of the Purposes of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed and paid; and such Book or Books shall at all reasonable Times be open to the Inspection of the said Inspectors and of every Inhabitant rated to the Relief of the Poor of the Parish adopting the Provisions of this Act, without Fee or Reward; and the said Inspectors and other Persons aforesaid, or any of them, shall or may take Copies of or Extracts from the said Book or Books, or any Part thereof, without paying for the same; and in case the said Inspectors shall refuse to permit or shall not permit the said Persons aforesaid to inspect the same, or take Copies or Extracts as aforesaid, such Inspector shall forfeit and pay any Sum of Money not exceeding Five Pounds for each Default, to be levied and applied in manner herein-after provided.

Inspectors to issue an Order to Overseers for Payment of Money for the Purposes of this Act.

XXXII. And be it further enacted, That as soon as the Inspectors have been elected as aforesaid it shall be lawful for them, or any Two or more of them, from Time to Time to issue an Order under their Hands to the Overseers of the Poor of any Parish to which the Provisions of this Act shall be extended, by which Order they shall require the said Overseers to levy the Amount mentioned in the said Order.

Power to collect Rates.

XXXIII. And be it further enacted, That the Overseers aforesaid shall, for the Purpose of collecting, raising, and levying the Rate

Rate necessary for the Purposes of this Act, proceed in the same Manner, and have the same Powers, Remedies, and Privileges, as for levying Money for the Relief of the Poor in the said Parish: Provided always, that Owners and Occupiers of Houses, Buildings, and Property (other than Land) rateable to the Relief of the Poor in any such Parish shall be rated at and pay a Rate in the Pound Three Times greater than that at which the Owners and Occupiers of Land shall be rated at and pay for the Purposes of this Act: Provided also, that the total Amount of the Sum to be collected, raised, and levied for the Purposes of this Act within any One Year shall not exceed such Sum as shall have been agreed on by the Inhabitants of the said Parish as aforesaid, and that the said Sum shall be assessed upon the full and fair annual Value to which Lands, Houses, Buildings, and other Property within the said Parish shall be rated or shall be rateable according to the last Valuation made and acted upon for the Rate for the Relief of the Poor within the said Parish.

XXXIV. Provided always, and be it further enacted, That it shall be lawful for the Overseers of the Poor of any such Parish, and they are hereby required, whenever, according to the Rate made for the Relief of the Poor, one and the same Person shall be rated in one Sum in respect of Land, and also of Houses, Buildings, and other Property, to cause such Land, and also such Houses, Buildings, and other Property, to be separately assessed, and the Sum hereby authorized to be levied shall be assessed accordingly: Provided always, that every Court-yard, Yard, or Garden (such Garden not being a Market Garden or Nursery Ground) shall be included in and make Part of the Assessment to be made on the House, Buildings, or other Property to which they may be respectively attached: Provided also, that such Land, Houses, Buildings, and other Property shall not in the whole be assessed at a higher Amount than they were in the last Rate made for the Relief of the Poor within the said Parish.

Land and
Houses to be
rated separately.

XXXV. And be it further enacted, That if the Overseers of the Poor of any Parish adopting the Provisions of this Act shall go out of Office before they shall have collected or levied the Amount mentioned in the Order issued under the Hands of the said Inspectors in pursuance of this Act, they shall deliver to the succeeding Overseers, within Seven Days from the Time they go out of Office, a full and particular Account in Writing of the Names of the Parties from whom any Money may be due on account of the Rate made in pursuance of this Act, as well as the last Order issued to them by the said Inspectors; and in such Case the succeeding Overseers shall have the like Powers and Remedies under this Act for the collecting and Recovery thereof, and shall be liable to the same Penalties and Forfeitures in case of the Nonpayment to the said Inspectors, as their Predecessors had or were liable to.

Power of
succeeding
Overseers to
collect Rate.

XXXVI. And be it further enacted, That the Overseers of the Poor of every Parish adopting the Provisions of this Act, to whom any such Order as aforesaid shall be issued, shall pay over the Amount mentioned in such Order to the Treasurer to be appointed in the said Parish under this Act within Three Calendar Months from the Delivery of such Order to One of the Overseers, and shall keep the Accounts of the said Rate levied for the Purposes of this

Overseers to
pay Amount to
Treasurer.

Receipt of
Treasurer to be
a Discharge to
Overseers.

Where other
Persons are
authorized to
collect Poor's
Rates, such
Persons to be
deemed Over-
seers.

Overseers may
be distrained
upon for Non-
payment.

Watchmen, &c.
to be appointed,
and provided
with Arms,
Clothing, &c.

Act separate and distinct from the Accounts of the Rates levied in the same Parish for the Relief of the Poor; and at the Time of making any Payment to the said Treasurer the said Overseers shall deliver to him a Note in Writing signed by them, specifying the Amount so paid, which Note shall be kept by the Treasurer as a Voucher for his Receipt of that particular Amount; and the Receipt of the said Treasurer, specifying the Amount paid to him by the Overseers, shall be a sufficient Discharge to the Overseers for such Amount, and shall be allowed as such in passing their Accounts with their respective Parishes.

XXXVII. And be it enacted, That where any Persons other than the Overseers of the Poor shall by virtue of any Office or Appointment be authorized and required to make and collect or cause to be collected the Rate for the Relief of the Poor in any Parish to which all or any of the Provisions of this Act shall be extended, such Persons, by whatsoever Title they may be called, shall be deemed to be Overseers of the Poor within the Meaning of this Act, and to be included under and denoted by the Words "Overseers of the Poor," for all the Purposes of this Act, as fully as if they were commonly called or known by the Title of Overseers of the Poor.

XXXVIII. And be it enacted, That in case the Amount directed by such Order as aforesaid to be paid by the Overseers in any Parish to which all or any of the Provisions of this Act shall be extended shall not be paid to the said Treasurer within the Time specified for that Purpose in the said Order, any Justice of the Peace, upon Complaint thereof made to him by the said Treasurer or by any One of the Inspectors, may and he is hereby authorized and required to issue a Summons under his Hand and Seal for the said Overseers so refusing or neglecting to pay such Money as aforesaid to appear before Two Justices of the Peace; and upon the said Overseers appearing, or having been so summoned and not appearing without some sufficient and reasonable Excuse, or not being found, it shall be lawful for the said Justices and they are hereby required, in case the said Money is not paid, to issue their Warrant for levying the Amount, or so much thereof as may be in arrear, by Distress and Sale of the Goods of all or any of the said Overseers; and in case the Goods of all the Overseers shall not be sufficient to pay the same, the Arrears thereof shall be added to the Amount of the next Levy which shall be directed to be made in such Parish for the Purposes of this Act, and shall be collected by the like Method.

XXXIX. And be it further enacted, That the said Inspectors shall from Time to Time appoint and employ such Number of able-bodied Watch-house Keepers, Serjeants of the Watch, Watchmen Patrols, Streetkeepers, and other Persons as they shall think sufficient for the proper Protection of the Inhabitants, Houses, and Property, Streets and other Places within the Limits of this Act, by Day or by Night, or by Day and by Night, and provide for the Use of all such Watchmen, Watch-house Keepers, Serjeants of the Watch, Patrol and Persons as aforesaid, such Clothing, Arms, Ammunition, and Weapons, and shall assign to them such Beats and Rounds and Duties, and appoint such Hours for them to be on Duty, and also such Wages, Rewards, and Gratuities or Remunerations

Remunerations for their Services, and also make such Rules, Orders, and Regulations relative to such Watch-house Keepers, Serjeants of the Watch, Watchmen, Patrol, Streetkeepers, and other Persons, and their Duties, as to the said Inspectors shall seem meet, and also shall and may offer and give, as well to the said Persons as to any other not specially employed by them, such Gratuities and Rewards for apprehending Felons and others, Offenders within the Limits of this Act, as to them shall seem proper; and shall and may defray the Expences of prosecuting any such Felons and Offenders, for the Protection of the Inhabitants of any Parish adopting the Provisions of this Act, or in defending any of the said Persons or other Officers of the said Inspectors in the Execution of their Duty, as they shall think proper; and the said Wages, Rewards, Gratuities, and the Costs of such Prosecutions or Defences, and all other Expences that may be incurred by the said Inspectors for the Protection and Guard of the Inhabitants, shall and may be paid by the said Inspectors out of the Monies received in pursuance of this Act.

XL. And be it further enacted, That all such Clothing, Arms, Ammunition, and Weapons so provided for the Use of such Watchmen, Watch-house Keepers, Serjeants of the Watch, Patrol, and Persons as aforesaid, shall remain and continue the Property of the Inspectors for the Time being, and in case of the Resignation, Removal, or Death of any such Watchmen, Watch-house Keeper, Serjeant of the Watch, Patrol, or Person as aforesaid, shall be returned to the said Inspectors; and in case of Neglect or Refusal so to do, the said Watchmen, Watch-house Keeper, Serjeant of the Watch, Patrol, or Person as aforesaid, or in case of his Death the Party in possession thereof, shall be subject and liable to a Penalty not exceeding the Sum of Twenty Pounds, to be recovered for the Use of the said Inspectors.

Watchmen. &c.
to deliver up
Clothing on
Removal, &c.

Penalty.

XLI. And be it further enacted, That the Watchmen, Serjeants of the Watch, Patrols, and other Persons to be appointed by virtue of this Act shall, during the Time they shall be on Duty, use their utmost Endeavours to prevent any Mischief by Fire, and also to prevent all Robberies, Burglaries, and other Felonies and Misdemeanors, and other Outrages, Disorders, and Breaches of the Peace within the Limits of the Parish adopting the Provisions of this Act; and to apprehend and secure all Felons, Rogues, Vagabonds, and disorderly Persons who shall disturb the public Peace, or any Person or Persons wandering, secreting, or misbehaving himself, herself, or themselves, or whom they shall have reasonable Cause to suspect of any evil Designs, and to secure and keep in safe Custody every such Person, in order that he or she may be conveyed as soon as conveniently may be before one of His Majesty's Justices of the Peace, to be examined and dealt with according to Law; and it shall and may be lawful to and for the said Watchmen, Serjeants of the Watch, Patrols, and other Person or Persons so appointed as aforesaid, to call and require any Person or Persons to aid and assist them in taking such Felons, Rogues, Vagabonds, and all disorderly or suspected Persons as aforesaid; and in case any Person or Persons shall assault or resist, or shall promote or encourage the assaulting or resisting, any of the Watchmen, Serjeants of the Watch, Patrols, or other Person or Persons so appointed as aforesaid, in the Execution

Duty of Watchmen, &c.

of their Duty, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings; and in case any such Offender shall not, on Conviction, pay the said Forfeiture, such Justice is hereby required to commit him, her, or them to the House of Correction, there to be kept to hard Labour, if the said Justice shall so order, for any Time not exceeding Three Calendar Months, unless such Forfeiture shall be sooner paid; or instead of committing the said Offender as aforesaid, the said Justice may, by Warrant under his Hand and Seal, cause the said Forfeiture, as well as the Costs (if any), to be levied by Distress and Sale of the Goods and Chattels of the Offender, returning the Overplus (if any) of the Money raised or recovered, after discharging the said Forfeiture and the Costs and Expences of recovering and levying the same, to the Owner of the Goods and Chattels so seized and distrained.

Watchmen, &c.
to be sworn in,
and to have the
Power of Con-
stables.

XLII. And be it further enacted, That all Watchmen, Serjeants of the Watch, and Patrols shall be sworn in as Constables before any Justice of the Peace, and act as such while in execution of the Powers and Authorities of this Act; and they are hereby invested with and shall have and enjoy the like Powers and Authorities, Privileges and Immunities, and shall be subject and liable to such and the like Penalties and Forfeitures, as any Constable or Constables is or are invested with, or shall or may have and enjoy, or is or are or shall be subject or liable to by Law: Provided nevertheless, that no Person by being sworn in and acting as or executing the Office of a Constable shall thereby gain a Settlement in such Parish.

Certain Fees to
be paid over to
Inspectors.

XLIII. And be it further enacted, That in all such Cases in which any of the Duties usually performed by Constables shall have been executed by any of the Officers appointed by the Inspectors as herein-before enacted, all Fees and Allowances for the Performance of such Duties shall be paid over to the said Inspectors, to be by them applied in aid of the Rate levied under the Provisions of this Act.

Fire Engines to
be provided.

XLIV. And be it further enacted, That it shall be lawful for the said Inspectors from Time to Time to provide and keep up Fire Engines, with Pipes and other Utensils proper for the same, for the Use of the Parish adopting the Provisions of this Act, and to provide a proper Place or Places for the keeping of the same, and to place such Engines under the Care of some proper Person or Persons, and to make him or them such Allowance for his or their Trouble as may be thought reasonable; and the Expences attending the providing and keeping of such Engines shall be paid out of the Money authorized to be received by the Inspectors under the Provisions of this Act.

Inspectors em-
powered to light
Streets.

XLV. And be it further enacted, That it shall be lawful for the said Inspectors, and they are hereby empowered, from Time to Time to cause such Lamp Irons or Lamp Posts or other Posts to be put or fixed upon or against the Walls or Palisadoes of any Houses, Tenements, Buildings, or Inclosures, (doing as little Damage as may be practicable thereto,) or to be put up and erected in such other Manner, within all or any of the said Roads, Streets, and Places within the Limits of this Act, as they shall think proper; and also to cause such Number of Lamps, of such Sizes and Sorts, to be provided and affixed and put upon such Lamp Irons and Lamp Posts, as they shall think necessary for lighting all or any of such Roads,

Roads, Streets, and Places, and cause the same to be lighted with Gas, Oil, or otherwise, for such Number of Hours in every Twenty-four Hours as they shall think necessary; and also to cause such a Number of Watch-houses or Watchboxes to be provided, erected, or affixed as they shall think necessary for watching all or any of the Streets, Roads, and Places within the Limits of this Act.

XLVI. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to authorize or empower the said Inspectors, or any Body or Bodies Politic or Corporate, or Person or Persons, contracting with the said Inspectors for lighting with Gas such Roads, Streets, and public Places, to carry or lay any Pipe or Pipes, Cocks or Branches from any Mains or Pipes, against, into, or through any Dwelling House or Dwelling Houses, Manufactories, public or private Buildings, or to continue the same, without the Consent in Writing of the Owner or Owners, Occupier or Occupiers for the Time being of such Dwelling House or Dwelling Houses, Manufactories, public or private Buildings respectively, nor to enable any Body or Bodies Politic or Corporate, or Person or Persons, contracting with the said Inspectors for lighting such Streets and public Places, to enter into or upon any private Lands or Grounds, without the Consent in Writing of the Owner or Owners, Occupier or Occupiers of such Lands or Grounds for that Purpose first had and obtained.

Gas Pipes not to be laid on private Premises without Consent.

XLVII. Provided also, and be it further enacted, That in case the Soil, Pitching, or Pavement of any Road or Way, for the Purpose of laying any Gas Main or Gas Pipe along, under, or across the same, be broken up with the Consent of the Owner or Owners of the Soil for the Time being, and after the same shall have been so laid and placed such Owner or Owners shall be desirous of having the same removed, it shall be lawful for such Owner or Owners at any Time or Times thereafter, if he, she, or they shall deem it necessary or expedient, at his, her, or their own Costs and Charges, to alter and vary the Position of such Pipe or Pipes, Main or Mains, and to relay the same, so that no Damage be done thereby to the said Body or Bodies Politic or Corporate, or Person or Persons, contracting with the said Inspectors, and so that such Body or Bodies Politic or Corporate, or Person or Persons, contracting with the said Inspectors as aforesaid, be not thereby prevented from or obstructed in lighting any public or private Lamp, unless such Damage or Obstruction be unavoidable.

Owners of private Grounds may alter Position of Pipes.

XLVIII. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down or set up by Order of the said Inspectors in pursuance of this Act, the Body or Bodies Politic or Corporate, or Person or Persons whosoever, making, furnishing, or supplying any Gas used or burnt for lighting any Highway, Street, or Place, or any Houses, Manufactory, Building, or other Premises within the Limits of any Parish adopting the Provisions of this Act, shall at their own Expence, immediately after receiving Notice by Parol or in Writing from any Person or Persons whatsoever, to be given or left at their Office or usual Place of transacting their Business, of any such Escape of Gas, cause the most speedy and effectual Measures to be taken to stop or prevent such Gas from escaping; and in case the said Body or Bodies Politic or Corporate, or Person or Persons as aforesaid, shall

For stopping the Escape of Gas.

Penalty for Neglect.

of their Duty, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings; and in case any such Offender shall not, on Conviction, pay the said Forfeiture, such Justice is hereby required to commit him, her, or them to the House of Correction, there to be kept to hard Labour, if the said Justice shall so order, for any Time not exceeding Three Calendar Months, unless such Forfeiture shall be sooner paid; or instead of committing the said Offender as aforesaid, the said Justice may, by Warrant under his Hand and Seal, cause the said Forfeiture, as well as the Costs (if any), to be levied by Distress and Sale of the Goods and Chattels of the Offender, returning the Overplus (if any) of the Money raised or recovered, after discharging the said Forfeiture and the Costs and Expences of recovering and levying the same, to the Owner of the Goods and Chattels so seized and distrained.

Watchmen, &c.
to be sworn in,
and to have the
Power of Con-
stables.

XLII. And be it further enacted, That all Watchmen, Serjeants of the Watch, and Patrols shall be sworn in as Constables before any Justice of the Peace, and act as such while in execution of the Powers and Authorities of this Act; and they are hereby invested with and shall have and enjoy the like Powers and Authorities, Privileges and Immunities, and shall be subject and liable to such and the like Penalties and Forfeitures, as any Constable or Constables is or are invested with, or shall or may have and enjoy, or is or are or shall be subject or liable to by Law: Provided nevertheless, that no Person by being sworn in and acting as or executing the Office of a Constable shall thereby gain a Settlement in such Parish.

Certain Fees to
be paid over to
Inspectors.

XLIII. And be it further enacted, That in all such Cases in which any of the Duties usually performed by Constables shall have been executed by any of the Officers appointed by the Inspectors as herein-before enacted, all Fees and Allowances for the Performance of such Duties shall be paid over to the said Inspectors, to be by them applied in aid of the Rate levied under the Provisions of this Act.

Fire Engines to
be provided.

XLIV. And be it further enacted, That it shall be lawful for the said Inspectors from Time to Time to provide and keep up Fire Engines, with Pipes and other Utensils proper for the same, for the Use of the Parish adopting the Provisions of this Act, and to provide a proper Place or Places for the keeping of the same, and to place such Engines under the Care of some proper Person or Persons, and to make him or them such Allowance for his or their Trouble as may be thought reasonable; and the Expences attending the providing and keeping of such Engines shall be paid out of the Money authorized to be received by the Inspectors under the Provisions of this Act.

Inspectors em-
powered to light
Streets.

XLV. And be it further enacted, That it shall be lawful for the said Inspectors, and they are hereby empowered, from Time to Time to cause such Lamp Irons or Lamp Posts or other Posts to be put or fixed upon or against the Walls or Palisadoes of any Houses, Tenements, Buildings, or Inclosures, (doing as little Damage as may be practicable thereto,) or to be put up and erected in such other Manner, within all or any of the said Roads, Streets, and Places within the Limits of this Act, as they shall think proper; and also to cause such Number of Lamps, of such Sizes and Sorts, to be provided and affixed and put upon such Lamp Irons and Lamp Posts, as they shall think necessary for lighting all or any of such

Roads,

Roads, Streets, and Places, and cause the same to be lighted with Gas, Oil, or otherwise, for such Number of Hours in every Twenty-four Hours as they shall think necessary; and also to cause such a Number of Watch-houses or Watchboxes to be provided, erected, or affixed as they shall think necessary for watching all or any of the Streets, Roads, and Places within the Limits of this Act.

XLVI. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to authorize or empower the said Inspectors, or any Body or Bodies Politic or Corporate, or Person or Persons, contracting with the said Inspectors for lighting with Gas such Roads, Streets, and public Places, to carry or lay any Pipe or Pipes, Cocks or Branches from any Mains or Pipes, against, into, or through any Dwelling House or Dwelling Houses, Manufactories, public or private Buildings, or to continue the same, without the Consent in Writing of the Owner or Owners, Occupier or Occupiers for the Time being of such Dwelling House or Dwelling Houses, Manufactories, public or private Buildings respectively, nor to enable any Body or Bodies Politic or Corporate, or Person or Persons, contracting with the said Inspectors for lighting such Streets and public Places, to enter into or upon any private Lands or Grounds, without the Consent in Writing of the Owner or Owners, Occupier or Occupiers of such Lands or Grounds for that Purpose first had and obtained.

Gas Pipes not to be laid on private Premises without Consent.

XLVII. Provided also, and be it further enacted, That in case the Soil, Pitching, or Pavement of any Road or Way, for the Purpose of laying any Gas Main or Gas Pipe along, under, or across the same, be broken up with the Consent of the Owner or Owners of the Soil for the Time being, and after the same shall have been so laid and placed such Owner or Owners shall be desirous of having the same removed, it shall be lawful for such Owner or Owners at any Time or Times thereafter, if he, she, or they shall deem it necessary or expedient, at his, her, or their own Costs and Charges, to alter and vary the Position of such Pipe or Pipes, Main or Mains, and to relay the same, so that no Damage be done thereby to the said Body or Bodies Politic or Corporate, or Person or Persons, contracting with the said Inspectors, and so that such Body or Bodies Politic or Corporate, or Person or Persons, contracting with the said Inspectors as aforesaid, be not thereby prevented from or obstructed in lighting any public or private Lamp, unless such Damage or Obstruction be unavoidable.

Owners of private Grounds may alter Position of Pipes.

XLVIII. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down or set up by Order of the said Inspectors in pursuance of this Act, the Body or Bodies Politic or Corporate, or Person or Persons whosoever, making, furnishing, or supplying any Gas used or burnt for lighting any Highway, Street, or Place, or any Houses, Manufactory, Building, or other Premises within the Limits of any Parish adopting the Provisions of this Act, shall at their own Expence, immediately after receiving Notice by Parol or in Writing from any Person or Persons whatsoever, to be given or left at their Office or usual Place of transacting their Business, of any such Escape of Gas, cause the most speedy and effectual Measures to be taken to stop or prevent such Gas from escaping; and in case the said Body or Bodies Politic or Corporate, or Person or Persons as aforesaid,

For stopping the Escape of Gas.

Penalty for Neglect.

shall not, within Twenty-four Hours next after such Notice by Parol or in Writing being given of any such Escape of Gas, effectually stop and prevent the Gas from escaping, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the said Body or Bodies Politic or Corporate, or Person or Persons as aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds for each and every Day, after the Expiration of Twenty-four Hours from the Time of giving any such Notice, during which the Gas shall be suffered to escape as aforesaid; which Penalty shall from Time to Time be recoverable in a summary Way, on the Oath or Affirmation of One or more credible Witness or Witnesses, before any Two Justices of the Peace, and shall and may be recovered, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of any such Body or Bodies Politic or Corporate, or Person or Persons as aforesaid, by the Warrant of any Two Justices of the Peace as aforesaid, to be granted in like Manner and subject to the like Provisions as are herein directed touching other Penalties to be recovered by virtue of this Act.

Power to convey
away Washings
of Gas Works.

XLIX. And be it further enacted, That it shall be lawful for the Body or Bodies Politic or Corporate, or other Person or Persons whosoever, making, furnishing, or supplying any Gas used or burnt for lighting any Highway, Street, or Place, or any House, Manufactory, Building, or other Premises, within the Limits of any Parish adopting the Provisions of this Act, to lay Iron Pipes, of such Breadth, Depth, and Dimensions, and in such Manner as they shall think expedient, under the Roads, Streets, and other public Places within the Limits of this Act, for the Purpose of carrying off the Washings or other waste Liquids which may arise in the Prosecution of the Works aforesaid, the said Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, doing as little Damage as may be in laying the said Pipes, and immediately repairing, at their own Expence, all such Damage; provided that no such Washings or other waste Liquids, or any other Matter or Thing made or arising in the Manufacture of such Gas, shall be conducted or conveyed into any River, Brook, Canal, or running Stream; and that no such Pipe shall be laid in any Situation where the same can, shall, or may in any Manner interfere with, prejudice, or affect any of the present or future public or private Wells, Sewers, or Drains within the Limits of the Parish adopting the Provisions of this Act, or without the Consent of the said Inspectors.

Penalty for con-
veying Wash-
ings into any
River, &c.

L. And be it further enacted, That if any Body or Bodies Politic or Corporate, Company or Companies of Proprietors, or any other Person or Persons whatsoever, making, furnishing, or supplying any Gas used or burnt for lighting any Highway, Street, or Place, or any House, Manufactory, Building, or other Premises, within the Limits of any Parish adopting the Provisions of this Act, shall at any Time empty, drain, or convey, or cause or suffer to be emptied, drained, or conveyed, or to run or flow, any Washings or other waste Liquids, Substances, or Things whatsoever which shall arise or be made in the Prosecution of the said Gas Works, or in the Manufacture or Process of making or procuring such Gas, into any River, Brook, or running Stream, Reservoir, Canal, Aqueduct, Waterway, Feeder, Pond, or Springhead, or Well, or into any Drain, Sewer, or Ditch communicating with any of them,

or do or cause to be done any Annoyance, Act, or Thing to the Water contained in any of them, whereby the Water contained therein, or any Part thereof, shall or may be spoiled, fouled, or corrupted, then and in every such Case any such Body or Bodies Politic or Corporate, Company or Companies of Proprietors, or other Person or Persons, so offending as aforesaid, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Penalty or Forfeiture shall and may be sued for and recovered, together with full Costs of Suit, in any of His Majesty's Courts of Law, by regular or summary Action of Debt or on the Case, or by Bill, Plaint, or Information, wherein no Essoign, Protection, Privilege, Wager of Law, nor more than One Imparance shall be allowed; and the whole of such Penalty shall be paid to the Person or Persons who shall inform or sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same be sued for within Six Calendar Months from after the Time when such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall have ceased and determined: Provided also, that over and above and in addition to the said Penalty of Two hundred Pounds, and whether such Penalty shall or shall not have been sued for or recovered, in case any of the said Washings or other waste Liquid, or noisome or offensive Liquid, Substances, or Things, shall be emptied, drained, conducted, or conveyed, or caused or suffered to run or flow, in manner aforesaid, into any River, Brook, or running Stream, or any Reservoir, Canal, Aqueduct, Waterway, Feeder, Pond, or Spring-head, or Well, or into any Drain, Sewer, or Ditch communicating with any of them, or any such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Person or Persons to whom the same shall belong, or by any other Person or Persons whomsoever, to the said Body or Bodies Politic or Corporate, Company or Companies of Proprietors, or any of them, or other the Person or Persons making, furnishing, or supplying any Gas used or burnt for lighting any Highway, Street, or Place, or any House, Manufactory, Building, or other Premises, within any Parish or Part of a Parish adopting the Provisions of this Act, so offending, or to his, her, or their Clerk or Clerks, or to any Person in his or their Service or Employ, and such Body or Bodies Politic or Corporate, Company or Companies of Proprietors, or other Person or Persons, shall not, within Twenty-four Hours after such Notice shall have been given to them or him as aforesaid, stop and hinder or prevent all and every such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, from being emptied, drained, conducted, or conveyed, or from running or flowing, in manner aforesaid, and every such other Annoyance, Nuisance, Injury, Damage, Act, or Thing from being done as aforesaid, then and in every such Case the said Body or Bodies Politic or Corporate, Company or Companies of Proprietors, or other Person or Persons so offending, shall forfeit and pay the Sum of Twenty Pounds for each and every Day such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be so emptied, drained, conducted, or conveyed, or caused or suffered to run or flow, in manner aforesaid, or such other Annoyance, Nuisance, Injury or Damage, Act or Thing, shall be so done or caused to be done as aforesaid;

and such last-mentioned Penalty shall and may be recovered and levied in such and the like Manner as any other Penalty or Forfeiture is in and by this Act directed to be recovered and levied, and shall be paid to the Informer, or to the Person or Persons who, in the Judgment of the Justice before whom the Conviction shall take place, shall have sustained any Annoyance, Injury, or Damage by any such Act so done or committed.

Gas Pipes to be laid Four Feet from Water Pipes, and in a particular Manner.

LI. And be it further enacted, That all and every the Pipes or other Conduits to be used or laid for the Conveyance of Gas in, under, through, along, across, or round any Road, Street, or other Place within the Limits of any Parish adopting the Provisions of this Act, shall be so laid at the greatest practical Distance, and, whenever the Width of the Carriageway in such Street or Place will allow thereof, at the Distance of Four Feet at least from the nearest Part of any Water Pipe already laid down or hereafter to be laid down for the Conveyance of Water in, under, through, along, across, or round any of the said Roads, Streets, or other Places within the Limits of any Parish adopting the Provisions of this Act, excepting in Cases where it shall be unavoidably necessary to lay the Gas Pipes across any of the said Water Pipes, in which Cases the said Gas Pipes shall be laid over and above the said Water Pipes at the greatest practical Distance therefrom, and shall form therewith a Right Angle, and in such Cases the said Gas Pipes so crossing the said Water Pipes shall be at least Nine Feet in Length, so that no Joint of any of the said Gas Pipes shall be nearer to any Part of the said Water Pipes than Four Feet at least; and in laying down the said Gas Pipes the said Contractors or other Persons supplying Gas shall in no Case join Two or more Gas Pipes together previous to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall in such Trench properly form the Jointing with the other Pipes to be added thereto with proper and sufficient Materials, and shall also make and keep all and every such Pipes, and all Pipes connected and communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively, air-tight, and in all and every respect prevent the said Gas from escaping therefrom, upon pain of forfeiting for every Offence the Sum of Five Pounds.

To prevent Escape of Gas and Contamination of Water.

LII. And be it further enacted, That whenever the Water of any Company of Proprietors for supplying the Inhabitants of any Houses within the Limits of any Parish, Part of a Parish, or Place adopting the Provisions of this Act, with Water, shall be contaminated by any of the Gas used or burnt for lighting any Highway, Street, or Place, or any House, Manufactory, Building, or other Premises, within the Limits of any Parish, Part of a Parish or Place adopting the Provisions of this Act, the Body or Bodies Politic or Corporate, or Person or Persons, making, furnishing, or supplying such Gas, shall forfeit and pay the Sum of Twenty Pounds, to be sued for and recovered and shall be applied to and for the Use and Benefit of the said Company supplying Water as aforesaid; and in case any such Water shall be contaminated or affected by Gas in any way whatsoever, then and in every such Case the said Company or other Persons making, furnishing, or supplying such Gas shall, within Twenty-four Hours next after the Notice thereof in Writing, signed by the Treasurer or other Officer of and for such Water

Water Company as aforesaid, or by any Person making use of such Water, to be left at the usual Place or Office of transacting Business of the said Body or Bodies Politic or Corporate, or other Person or Persons, cause the most proper and effectual Measures to be taken to stop and prevent Gas from escaping from their Mains, Works, or Pipes, or contaminating or affecting the Water of such Company as aforesaid; and in case the said Body or Bodies Politic or Corporate, or other Person or Persons, making, furnishing, or supplying Gas, shall not, within Twenty-four Hours next after such Notice so left as aforesaid, effectually stop and prevent the Gas from so escaping, and wholly and satisfactorily remove the Cause of every such Complaint, and prevent all and every such Contamination, whereof Notice shall be given as aforesaid, that then the said Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid shall on each and every Complaint forfeit and pay to the Treasurer or other Officer for the Time being of such Water Company as aforesaid, for the Use and Benefit of the same Company, over and above the before-mentioned Penalty of Twenty Pounds, the Sum of Ten Pounds for each and every Day during which the Water of the said last-mentioned Company shall be and remain contaminated or affected by such Gas; and in default of Payment thereof as aforesaid, such Penalty or Penalties shall and may be recovered by Information, to be exhibited on the Oath of One credible Witness, by and in the Name of the Treasurer or other Officer for the Time being of the said Water Company as aforesaid, or by and in the Name of any One or more of the Directors of the said Company, at the Option of the Parties prosecuting such Information against the said Body or Bodies Politic or Corporate, or other Person or Persons, making, furnishing, or supplying Gas, before any Two Justices of the Peace, with Costs, to be assessed by such Justices, and to be levied by Distress and Sale of the Goods and Chattels of the said Body or Bodies Politic or Corporate, or other Person or Persons, making, furnishing, or supplying such Gas, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal of such Justices, which Warrant such Justices are hereby empowered to grant; and such Penalty or Penalties, when so levied, shall be paid to the Treasurer or other Officer for the Time being of such Water Company, for the Use of such Water Company.

LIII. And be it further enacted, That in any Case in which it shall be or become a Question upon such Complaint as aforesaid, whether the said Water be contaminated or affected by the Gas of the said Body or Bodies Politic or Corporate, or other Person or Persons, making, furnishing, or supplying any Gas used or burnt for lighting any Highway, Street, or Place, or any House, Manufactory, Building, or other Premises, within the Limits of this Act, it shall be lawful for the Company of Proprietors, or other the Owners or Proprietors of any Waterworks, to dig to and about and search and examine the Mains, Pipes, Conduits, and Apparatus of the said Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, for the Purpose of ascertaining whether such Contamination proceed or be occasioned by the Gas of the said Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid; and if it shall appear that the said Water has been contaminated

For ascertaining if the Water be contaminated.

taminated by any Escape of Gas as aforesaid, the Costs and Expences of the said Digging, Search, and Examination, and of the Repair of the Pavement of the Roads, Street or Streets which shall be taken up or disturbed, shall be borne and paid by the said Body or Bodies Politic or Corporate, or Person or Persons as aforesaid; which Costs and Expences of Digging, Search, and Examination shall be ascertained and determined, if necessary, by such Justices as aforesaid, and be recovered in like Manner as any Penalty may be recovered by virtue of this Act: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen from any such Escape of Gas from any of the Mains, Pipes, or Conduits of the said Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, then and in such Case the said Company of Proprietors, or other the Owners or Proprietors of such Waterworks, shall bear and pay all the Costs and Expences of such Search, Examination, and Repair as aforesaid, and shall also make good to the said Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, any Loss, Injury, or Damage which may be occasioned to the said Mains, Pipes, Conduits, or Apparatus of the said Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, in and by such Search and Examination, the Amount of such Injury, Loss, or Damage to be ascertained and determined by such Justices of the Peace as aforesaid.

Persons supply-
ing Gas liable
to be indicted
for a Nuisance.

LIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any Person from proceeding by Indictment or otherwise against any of the Officers, Servants, or Workmen of the Body or Bodies Politic or Corporate, or other Person or Persons whomsoever, making, furnishing, or supplying any Gas used or burnt for lighting any Highway, Street, or Place, or any House, Manufactory, Building, or other Premises, within the Limits of any Parish adopting the Provisions of this Act, in respect of any Works or other Means which shall be employed by them or any of them in making the said Gas, and using the same in furnishing with Lights as aforesaid, as a public or private Nuisance, or from bringing any Action against the said Body or Bodies Politic or Corporate, Company of Proprietors, or Person or Persons as aforesaid, or any of their Officers, Servants, or Workmen, for any Injury sustained by reason of any such Works, or the Use of the said Gas, or the Method of lighting therewith, whether such Injury shall proceed from the Preparation or the Use of the same Gas, or Method of lighting, or the Carelessness or Want of Skill of any of the Persons employed therein, or from any other Cause whatsoever.

Penalty for
wilfully destroy-
ing or injuring
Lamps.

LV. And be it further enacted, That if any Person shall wilfully break, throw down, spoil, or damage any Watch-house, Watchbox, or Lamp, Lamp Iron, Lamp Post, Pale, Rail, Chain, or other Furniture thereof, or wilfully extinguish the Light of any such Lamp, it shall be lawful for any Person or Persons who shall see the Offence committed to apprehend, and also for any other Person or Persons to assist in apprehending, the Offender or Offenders, and by the Authority of this Act, and without any Warrant, and to deliver him or them to any Constable, who is to keep him, her, or them in safe Custody, and with all reasonable Dispatch to convey him, her, or them before any Justice of the Peace; and such Justice shall examine

examine upon Oath any Witness or Witnesses who shall appear to be produced to give Evidence touching such Offence; and if the Party accused shall be convicted of any such Offence, either by his, her, or their Confession, or upon such Evidence as aforesaid, he, she, or they shall forfeit any Sum not exceeding Forty Shillings for every Lamp, Lamp Iron, or Lamp Post so broken, thrown down, or damaged, and shall also make full Satisfaction for the Damage which shall have been done thereby, and not exceeding Five Pounds for any other such Offence as aforesaid, and shall also make full Satisfaction for the Damage which shall have been done thereby; and one Moiety of such Forfeiture shall be paid to the Person or Persons apprehending such Offender, and the other Moiety shall be applied for the Purposes of this Act, and shall be levied and recovered in the same Manner as any Forfeiture is by this Act herein-before directed to be levied and recovered in the Case of any Person assaulting any Watchman or other Person in the Execution of his Duty.

LVI. And be it further enacted, That if any Person shall carelessly or accidentally break any of the said Lamps, Lamp Irons, or Lamp Posts, or do any other such Damage or Injury as herein-before is mentioned, and shall not, upon Demand, make Satisfaction to the said Inspectors for the Damage or Injury so done, it shall and may be lawful for any Justice of the Peace, upon any Complaint thereof made to him upon Oath, to summon the Party complained of, and upon hearing the Parties upon both Sides, or on the Nonappearance of the Party complained of, to examine the Matter of Complaint, and award such Sum of Money, by way of Satisfaction to the said Inspectors for such Damage, as such Justice shall think reasonable; and in case of Neglect or Refusal forthwith to pay such Money, then the same and all Expences attending the Recovery thereof may be levied and recovered as any Forfeiture is by this Act herein-before directed to be levied and recovered in the Case of any Person assaulting any Watchman or other Person in the Execution of his Duty.

How Persons accidentally breaking Lamps are to be dealt with.

LVII. And be it further enacted, That it shall and may be lawful to and for the said Inspectors from Time to Time to enter into any Contract or Contracts with any Person, Company or Companies whatsoever, for lighting the same Streets, Roads, and other Places, or any of them, or any Part thereof, either with Oil or with Gas, or with any other Material or in any other Manner whatsoever, or for furnishing Lamps, Lamp Irons, Lamp Posts, Watch-boxes, Posts, Chains, Pales, Rails, and other Things necessary for the Purposes aforesaid, or any Materials for the same, which Contract or Contracts shall specify the several Works to be done and the Prices to be paid for the same, and the Time or Times when the Works shall be completed, and the Penalties to be suffered in Cases of Nonperformance thereof, and shall be signed by Two or more of the said Inspectors, and also by the Person or Persons contracting to perform such Works respectively, which Contract or Contracts, or a Copy or Copies thereof, shall be entered in a Book to be kept for that Purpose; but no Contract above the Value or Sum of Twenty Pounds shall be entered into, unless previous to the making of any such Contract Fourteen Days Notice shall be given in One or more of the public Newspapers published

Power for Inspectors to contract for the Works directed to be done by this Act.

in the County in which the said Parish shall be situate, expressing the Intention of entering into such Contract, in order that any Person or Persons willing to undertake the same may make Proposals for that Purpose, to be offered and presented to the said Inspectors at a certain Time and Place in such Notice to be mentioned: Provided always, that if the said Inspectors shall be of opinion that it will not be advantageous to contract with the Person or Persons offering the lowest Price, it shall be lawful for the said Inspectors to contract with such other Person or Persons as they shall think proper.

Inspectors may
sue for Breach
of Contract;

LVIII. And be it further enacted, That in case the same shall not be well and sufficiently performed, according to the Terms, Intent, and Meaning of such Contract or Contracts, or shall not be finished or completed at or within the Time or Times specified in such Contract or Contracts, then the said Inspectors may cause an Action to be brought in any of His Majesty's Courts of Law at *Westminster*, against any such Contractor, for any Penalty contained in his Contract; and on Proof of his signing the said Contract or Contracts, or Nonperformance thereof at the Time or Times for that Purpose to be therein mentioned, the said Inspectors shall be entitled to and recover the full Penalty contained in any such Contract, which, when recovered, shall be applied for the Purposes of this Act: Provided always, that it shall be lawful for the said Inspectors (if they think fit) to compound and agree with any Contractor for any Penalty incurred by him for the Breach or Nonperformance of any such Contract, for such Sum of Money as the said Inspectors shall think proper, not being less than the Injury or Damage sustained by the Breach or Nonperformance of such Contract, and all Costs, Charges, and Expences which shall be occasioned thereby; and it shall be lawful for the said Inspectors to cancel or make void any Contract with any Person or Persons whomsoever, by mutual Consent, if they shall think proper.

or may com-
pound with
Contractor.

Inspectors may
purchase or rent
Ground or
Buildings for
the Purposes of
this Act.

LIX. And be it further enacted, That the said Inspectors may and they are hereby authorized and empowered to treat with the Owner or Owners and Occupier or Occupiers of any Houses, Buildings, Lands, and Grounds, for the Purposes of this Act, for such Sum or Sums of Money, or yearly Rent, or for such Time as to them shall appear reasonable, (which Sum or Sums of Money and yearly Rent shall be respectively paid out of the Monies to arise by virtue of this Act,) in such Place or Places as they may think proper.

Property of
Lamps, &c.
vested in the
Inspectors.

LX. And be it further enacted, That the Property of and in all Lamps, Lamp Irons, Lamp Posts, Watch-houses, Watchboxes, Posts, Chains, Pales, and Rails in, about, or belonging to the said Streets and Places within any Parish or Part of a Parish adopting the Provisions of this Act, or any of them, and of and in all the Iron, Timber, Stone, Bricks, and other Materials and Furniture and Things of, in, and belonging thereto, (except when the same shall be otherwise regulated by Contract with the said Inspectors,) shall be and the same are hereby vested in the said Inspectors, and may be sold and disposed of from Time to Time as they shall think proper; and the Money arising from such Sale or Sales shall be applied towards the Purposes of this Act; and the said Inspectors are hereby authorized and empowered to bring or cause to be brought any

any Action or Actions in such Name or Names and in manner as herein is provided, or to prefer or order and direct the preferring of any Bill or Bills of Indictment, against any Person or Persons who shall steal, take, or carry away (as the Case may be) all or any Part of such Lamp Irons, Lamp Posts, Watch-houses, Watchboxes, Iron, Timber, and Stone, Bricks, Furniture, Posts, Chains, Pales, Rails, or other Materials and Things as aforesaid; and in all such Actions or Bills of Indictment it shall be and be deemed and taken to be sufficient to state generally that the Article or Articles, Thing Things, for or on account of which such Action or Actions shall be brought, or such Bill or Bills of Indictment preferred, is or are the Property of the Inspectors, without particularly stating or specifying the Name or Names of all or any of the said Inspectors.

LXI. And be it further enacted, That it shall be lawful for the Inspectors appointed by any Parish adopting the Provisions of this Act to unite with the Inspectors of any adjoining Parish or Parishes, for the better carrying into effect the Purposes of this Act.

Inspectors of adjoining Parishes may unite.

LXII. And for the more easy Prosecution and Conviction of Offenders against this Act, be it further enacted, That all and every Justices and Justice of the Peace before whom any Person or Persons shall be convicted or prosecuted for any Offence against this Act shall and may cause the Information and Conviction respectively to be drawn in the Form following, or in other Words to the same Effect; (that is to say,)

Forms of Information and Conviction.

County of } **BE** it remembered, That on the Day of
 A.B. of informeth
 of His Majesty's Justice [or Justices] of the Peace for
 to wit. } that of
 the said of that of
 in the of [here describe the Offence, with the
 Time and Place, and follow the Act as near as may be], contrary
 to the Provisions of an Act made in the Year of the
 Reign of King William the Fourth, intituled [insert the Title of
 this Act], which hath imposed a Forfeiture of for the
 said Offence. Taken the Day of before
 County of } **BE** it remembered, That on the Day of
 in the Year of the Reign
 to wit. } of and in the Year of our Lord
 A.B. is convicted before of His Majesty's Justice
 [or Justices] of the Peace for the said for [here specify
 the Offence, and when and where committed], contrary to the Form
 of the Statute made in the Year of the Reign of King
 William the Fourth, intituled [here set forth the Title of this Act];
 and do hereby declare and adjudge that the said
 hath forfeited for the said Offence the Sum of [or shall
 be committed to for the Space of as the Case
 may be]. Given under Hand and Seal the Day and Year
 first above written.'

Form of Conviction.

LXIII. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted or imposed by this Act, or by virtue of any Rule or Order made in pursuance hereof (the Mode of Recovery whereof is not herein otherwise provided for), may in case of Non-payment thereof be recovered in a summary Way, by Order and Adjudication of any Two Justices of the Peace, on Complaint to them for that Purpose exhibited, and afterwards be levied, as well as the

Recovery and Application of Penalties.

the Costs (if any) of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or respective Offenders, or Person or Persons liable to pay the same, by Warrant under the Hands and Seals of such Justices, who are hereby authorized and required to summon and examine any Witness upon Oath or Affirmation of and concerning such Offences, Matters, and Things, and to hear and determine the same; and the Overplus (if any) of the Money raised or recovered, after discharging the Fine, Penalty, or Forfeiture for which such Warrant shall be issued, and the Costs and Expences of recovering and levying the same (if any such there be), shall be rendered to the Owner or Owners of the Goods and Chattels so seized and distrained; all which Penalties, not herein directed to be otherwise applied, shall be paid to the said Inspectors or their Treasurer, to be applied for such Purposes of this Act as the said Inspectors shall order and direct, except in all such Cases where the Penalty or Forfeiture shall be incurred by the said Inspectors, and then the same shall be paid to the Informer; and it shall be lawful for the said Justices to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justices, for his, her, or their Appearance before the said Justices on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Seven Days from the Time of taking such Security, and which Security the said Justices are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Penalties and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of any such Justices, upon the Confession of the Offender or Offenders, or otherwise, that he, she, or they have or hath not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences can be levied if a Warrant of Distress were issued, such Justices shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justices, and they are hereby required and empowered, by Warrant or Warrants under their Hands and Seals, to commit such Offender or Offenders to the Common Gaol or House of Correction in the said County or Place in which the said Parish shall be situate, there to be kept, with or without hard Labour, without Bail or Mainprize, for any Time not exceeding Six Calendar Months, or until such Offender or Offenders shall have paid such Penalty or Penalties and all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justices, or shall otherwise be discharged by due Course of Law.

Inspectors
exempted from
personal
Liability.

LXIV. Provided always, and be it further enacted, That nothing herein contained shall be deemed, construed, or taken to extend to render the said Inspectors personally, or any of their Goods and Chattels (other than such as may be invested in them in pursuance of this Act), liable to the Payment of any Sum or Sums of Money as or by way of Compensation or Satisfaction in the Cases in which such Compensation or Satisfaction is herein directed to be made by the said Inspectors.

LXV. And

LXV. And be it further enacted, That no Inhabitant of any Parish adopting the Provisions of this Act shall be deemed an incompetent Witness in any Action, Suit, or Information, Complaint, Appeal, Prosecution, or Proceedings to be had, made, prosecuted, or carried on under the Authority of this Act.

Inhabitants may
be Witnesses.

LXVI. Provided also, and be it further enacted, That if any Person or Persons shall find himself, herself, or themselves aggrieved by any Order, Direction, or Appointment of the said Inspectors, or any Order or Conviction of One or more Justice or Justices of the Peace, it shall be lawful for such Person or Persons to appeal to any General or Quarterly Sessions of the Peace to be held in and for the County, City, Riding, Borough, Town, Shire, Division, Liberty, or Place in which the Parish shall be situate, within Four Calendar Months next after the Cause of Complaint shall have arisen, or if such Sessions shall be held before the Expiration of One Calendar Month, then such Appeal shall be made to the secondly succeeding Sessions, either of which Court of Sessions is hereby empowered to hear and finally determine the Matter of the said Appeal, and to make such Order therein as to them shall seem meet, which Order shall be final and conclusive to and upon all Parties; provided that the Person or Persons so appealing shall give or cause to be given at least Fourteen Days Notice in Writing of his, her, or their Intention of appealing as aforesaid, and of the Matter or Cause thereof, to the said Inspectors, or other the Respondent or Respondents, that within Five Days after such Notice shall enter into a Recognizance before some Justice of the Peace, with sufficient Securities, conditioned to try such Appeal at the then next General Sessions or Quarter Sessions of the Peace, which shall first happen, and to abide the Order of and pay such Costs as shall be awarded by the Justices at such Quarter Sessions or any Adjournment thereof; and such Justices, upon hearing and finally determining such Matter of Appeal, shall and may, according to their Discretion, award such Costs to the Party appealing or appealed against as they shall think proper; and their Determination in or concerning the Premises shall be conclusive and binding on all Parties to all Intents and Purposes whatsoever.

Appeal to the
Quarter Sessions
against Order of
Inspectors, &c.

LXVII. Provided also, and be it further enacted, That if any Person or Persons shall find himself, herself, or themselves aggrieved by any Rate made by the Overseers of the Poor for the Purposes of this Act, he, she, and they may appeal to any General or Quarterly Sessions of the Peace to be held in and for the County, City, Riding, Borough, Town, Shire, Division, Liberty, or Place in which the Parish shall be situated; and all such Appeals shall be subject to the same Rules, Regulations, Provisions, and Directions, and shall be prosecuted and proceeded with in the like Manner, as Appeals against Rates made for the Relief of the Poor in such Parish.

Appeals against
Rate to be
subject to same
Rules as
Appeals against
Poor Rates.

LXVIII. Provided also, and be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action or Actions for any Irregularity, Trespass, or other Proceedings made or committed in execution of this Act if Tender of sufficient Amends shall be made by or on behalf of the Party or Parties who shall have committed any such Irregularity, Trespass, or wrongful Proceedings, before such Action brought; and in case no Tender shall have been made

Plaintiff not to
recover in any
Action after
Tender of suffi-
cient Amends.

it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall think fit, whereupon such Proceedings, Order, and Adjudication shall be made, had, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of
Actions.

LXIX. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of or under the Authority of or colour of this Act until Twenty-one Days Notice has been given thereof in Writing to the said Inspectors, nor after sufficient Satisfaction or Tender thereof has been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed for which such Action or Actions, Suit or Suits, shall be so brought; and every such Action shall be brought, laid, and tried where the Cause of Action shall have arisen, and not in any other County or Place; and the Defendant or Defendants in such Actions or Suits may plead the General Issue, or give this Act and every special Matter in Evidence, at any Trial or Trials which shall be had thereupon; and if the Matter or Thing shall appear to have been done under or by virtue of this Act, or if it shall appear that such Action or Suit was brought before Twenty-one Days Notice thereof was given as aforesaid, or if any Action or Suit shall not be commenced within the Time before limited, or shall be laid in any other County or Place than as aforesaid, then the Jury or Juries shall find a Verdict for the Defendant or Defendants therein; and if a Verdict or Verdicts shall be found for any such Defendant or Defendants, or if the Plaintiff or Plaintiffs in such Action or Actions, Suit or Suits, shall become Nonsuit, or suffer a Discontinuance of such Action or Actions, or if, upon any Demurrer or Demurrers in such Action or Actions, Judgment shall be given for the Defendant or Defendants therein, then and in any of the Cases aforesaid such Defendant or Defendants shall have Double Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants may have for his, her, or their Costs in any other Case by Law.

Proceedings not
to be unlawful
for Want of
Form.

LXX. And be it further enacted, That no Proceedings to be had and taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari or any other Writ or Process whatsoever into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

Parishes may
adopt only Parts
of Act.

LXXI. And be it further enacted, That the Provisions of this Act may be adopted in any Parish either as to lighting or as to watching, or as to lighting and watching, as may be deemed expedient; and that the Provisions of this Act may be adopted in any Parish so far as the same relate to lighting, although such Parish shall be watched under or by virtue of any Act of Parliament passed for that Purpose, and may be adopted in any Parish so far as the same relate to watching, although such Parish shall be lighted under or by virtue of any Act of Parliament passed for that Purpose.

Limiting the
Powers of the
Act.

LXXII. And be it further enacted, That nothing in this Act contained shall be construed to extend to abridge, repeal, alter, amend, or interfere with the Powers and Provisions contained in an

Act made and passed in the Tenth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for improving the Police in and near the Metropolis*, or to extend to any Parish or Place already regulated by or under the Provisions of any Act of Parliament for all the Purposes herein-before provided for, or to interfere with the Powers which any Corporate Body may have with respect to watching and lighting. 10 G. 4. c. 44.

LXXIII. And be it further enacted, That it shall and may be lawful to and for the Inhabitants of Part of any Parish to hold a Meeting of the Inhabitants of such Part, to be convened in manner herein directed, and to be composed of such Inhabitants only, for the Purpose of determining whether the Provisions in this Act contained, or any of them, shall be adopted and carried into execution in such Part of the said Parish; and that all such Meetings shall be subject and liable to all the Clauses, Regulations, and Restrictions in this Act contained in respect of Meetings to be convened for the Purposes thereof; and that the Churchwardens of the said Parish shall act in the same Manner for such Part of the Parish the Inhabitants of which may be desirous of adopting the Provisions of this Act, for carrying the Provisions of the same into effect, as they could by virtue hereof act for the Parish at large; and that the Overseers of the Poor of the said Parish, or of any Township or Division of the said Parish, shall be amenable to the Provisions of this Act, so far as they may relate to the Part of such Parish situate within or partly within the Division or District for which such Overseers shall act, for the Purpose of levying, raising, and paying the Rates within the Part of such Parish adopting the Provisions of this Act, in the same Manner as they would be if the whole Parish, Township, or Place for which they act had adopted the Provisions of this Act: Provided always, that no Proceedings of the said Inhabitants, nor any Rate to be raised or levied in pursuance of such Proceedings, shall extend to any Part of the said Parish which may already be regulated by or under the Provisions of any Act for the Purposes in this Act mentioned, nor interfere with the Powers and Provisions of such Act or the Execution thereof in any respect whatsoever. Parts of Parishes may adopt the Provisions of this Act; but not to interfere with any Local Act.

LXXIV. And be it further enacted, That it shall be lawful for any Surveyor or other Person or Persons acting by or under the Authority of Commissioners of Sewers, at any Time or Times in the Daytime, to enter into any Manufactory, Gasometer, Receiver, or other Building belonging to any Gas Company or Companies, or the said Inspectors, in order to inspect and examine if there be any Escape of Gas, or any Washings, or other waste Liquids, Substances, or other Things whatsoever, which shall arise or be produced in the Prosecution of the said Gas Works, or in the Manufacture or Process of making or procuring such Gas, into any public Sewer or Drain; and if such Surveyor or other Person or Persons acting by or under the Authority of Commissioners of Sewers shall at any such Time or Times be refused Admittance or Entrance into any such Manufactory, Gasometer, Receiver, or other Building, for the Purpose of making such Inspection and Examination as aforesaid, or on being admitted shall be obstructed in or prevented from making such Inspection and Examination as aforesaid, the said Gas Company Surveyor of Commissioners of Sewers may enter into Gas Works, to see if there be any Escape of Gas, &c.

Not to prejudice
the Rights of
the Commis-
sioners of
Sewers;

nor to affect the
Universities.

Construction of
Act.

Public Act.

or Companies, or the said Inspectors, so offending, shall forfeit and pay for every such Offence the Sum of Twenty Pounds.

LXXV. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be deemed or construed to extend, to prejudice, diminish, alter, or take away any of the Rights, Powers, or Authorities vested in Commissioners of Sewers, but all the Rights, Powers, and Authorities vested in them shall be as good, valid, and effectual as if this Act had not been made.

LXXVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend to alter or in any Manner to affect any of the Rights or Privileges of the Universities of *Oxford* or *Cambridge*, or any of the Powers vested by Charter or otherwise in the Chancellors, Masters, and Scholars, and their Successors, of the said Universities.

LXXVII. And be it further enacted, That the Powers given to watch and light any Parish shall be understood to be given to any Wapentake, Division, City, Borough, Liberty, Township, Market Town, Franchise, Hamlet, Tithing, Precinct, and Chapelry, or Parts within the same; and that where the Word "Parish" is used, it shall be understood to extend to any Parts within the same; and that the Powers given to a Churchwarden shall be understood to be given to any Chapelwarden, Overseer, or other Person usually calling any Meeting on Parochial Business; and that the Words "Justice of the Peace" shall be understood to mean Justices of the Peace for the County, City, Borough, Town, Division, Riding, Shire, Liberty, or Place in which the Parish which may adopt the Provisions of this Act shall be situate; and the Word "Ratepayer" to include all Persons assessed to and paying Rates for the Relief of the Poor.

LXXVIII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

CAP. XCI.

An Act for consolidating and amending the Laws relative to Jurors and Juries in *Ireland*. [28th August 1833.]

See 213 Kc 48
3.4 Kc 125 s 62
589 Kc 67

Sheriffs not to
return any
Persons as
Jurors who are
not qualified
according to this
Act.

Age and Quali-
fication of
Jurors.

‘WHEREAS the Laws relative to the Qualifications and summoning of Jurors and the Formation of Juries in *Ireland* are numerous and complicated; and it is expedient to consolidate and simplify the same, and to alter the Mode of striking Special Juries, and in some respects to amend the said Laws;’ be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Sheriff of any County, County of a City, or County of a Town in *Ireland* shall not, in answer to any Writ of Venire facias or Precept for the Return of Jurors, return the Names of any Persons not qualified to serve on Juries according to the Provisions of this Act; and that every Man, except as hereinafter excepted, between the Ages of Twenty-one Years and Sixty Years, residing in any County in *Ireland*, who shall have, in his own Name or in Trust for him, within the same County, Ten Pounds by

the Year above Reprizes in Lands or Tenements, or in Rents issuing out of any Lands or Tenements, or in Lands, Tenements, and Rents taken together, in Fee Simple, Fee Tail, or for the Life of himself or some other Person or Persons, or who shall have within the same County Fifteen Pounds by the Year above Reprizes in Lands or Tenements held by Lease or Leases originally made for an absolute Term of not less than Twenty-one Years, whether the same shall or shall not be determinable on any Life or Lives, and also every resident Merchant, Freeman, and Householder having a House and Tenements in any City, Town, or Borough situate within the said County of the clear yearly Value of Twenty Pounds, such City, Town, or Borough not being a County in itself, shall be qualified with respect to Property, and shall be liable to serve on Juries for the Trial of all Issues joined in any of the King's Courts of Record in *Dublin*, and in all Courts of Assize, Nisi Prius, Oyer and Terminer, and Gaol Delivery, such Issues being respectively triable in the County in which every Man so qualified respectively shall reside, and shall also be qualified with respect to Property, and liable to serve on Grand Juries in Courts of Sessions of the Peace, and on Petty Juries for the Trial of all Issues joined in such Courts of Session of the Peace, and triable in the County in which every Man so qualified respectively shall reside; and that every Man, except as herein-after excepted, being between the aforesaid Ages, residing in any County of a City or County of a Town in *Ireland*, and being there qualified as aforesaid, and also every resident Merchant, Freeman, and Householder having Lands or Tenements or Personal Estate of the Value of One hundred Pounds, shall be qualified with respect to Property, and shall be liable to serve as a Juror for the Trial of all Issues joined in any of His Majesty's Courts of Record at *Dublin*, and in all Courts of Assize, Nisi Prius, Oyer and Terminer, and General Delivery, such Issues being respectively tried in the said City or Town in which every Man so qualified shall respectively serve.

II. Provided always, and be it further enacted, That all Peers; all Judges of the King's Courts of Record in *Dublin*; all Clergymen in Holy Orders; all Persons who shall teach or preach in any Religious Congregation; all Serjeants and Barristers at Law actually practising; all Assistant Barristers; all Judges of Ecclesiastical Courts; all Advocates in Ecclesiastical Courts or in Courts of the Civil Law, actually practising; all Attornies, Solicitors, and Proctors duly admitted in any Court of Law or Equity, or of Ecclesiastical or Admiralty Jurisdiction, in which Attornies, Solicitors, and Proctors have usually been admitted, actually practising and having duly taken out their annual Certificates; all Officers of any such Courts, or of any Court of Criminal Jurisdiction, actually exercising the Duties of their respective Offices; all Public Notaries duly admitted; all Coroners, Gaolers, and Keepers of Houses of Correction; all Members and Licentiates of the King and Queen's College of Physicians in *Ireland* actually practising, and all other Physicians actually practising; all Surgeons, being Members of One of the Royal Colleges of Surgeons in *London*, *Edinburgh*, or *Dublin*, and actually practising; all Apothecaries certificated by the Court of Examiners of the Governor and Company of the Apothecaries Hall of the City of *Dublin*, and actually practising; all Officers

Exemptions
from serving on
Juries.

in His Majesty's Navy or Army on full Pay; all Officers of Customs and Excise; all Sheriffs Officers, Police Constables, and Parish Clerks; all Postmasters General and their Deputies, and all other Persons employed and acting in the Service of His Majesty's Post Office; all Treasurers, Secretaries of Grand Juries, shall be and are hereby absolutely freed and exempted from being returned, and from serving upon any Juries or Inquests whatsoever, and shall not be inserted in the Lists to be prepared by virtue of this Act as herein-after mentioned: Provided also, that all Persons exempt from serving upon Juries in any of the Courts aforesaid, by virtue of any Prescription, Charter, Grant, or Writ, shall continue to have and enjoy such Exemption, in as ample a Manner as before the passing of this Act, and shall not be inserted in the Lists herein-after mentioned.

Aliens disqualified, except on Juries de medietate;
Convicts or Outlaws, &c., disqualified.

III. Provided also, and be it enacted and declared, That no Man, not being a natural-born Subject of the King, is or shall be qualified to serve on Juries or Inquests, except only in Cases herein-after expressly provided for; and no Man who hath been or shall be attainted of any Treason or Felony, or convicted of any Crime that is infamous, unless he shall obtain a free Pardon, nor any Man who is under Outlawry by virtue of any Criminal Process, or under Excommunication, is or shall be qualified to serve on Juries or Inquests in any Court or on any Occasion whatsoever.

Clerk of the Peace to issue Precept to Collectors of Grand Jury Cess in July.

IV. And, for the Assistance of the Sheriff in framing the Jurors Book, be it further enacted, That the Clerk of the Peace in every County and Clerk of the Peace in every County of a City and County of a Town in *Ireland* shall, within One Week after the Commencement, in every Year, of the Midsummer Sessions herein-after next mentioned, issue and deliver his Precept (in the Form set forth in the Schedule hereunto annexed, or as near thereto as may be,) to the High Constable and Collectors of Grand Jury Cess in each Barony, Half Barony, or other District of Collection, and to the Collectors of other Cess or Assessment where no Grand Jury Cess is levied, requiring such Collectors respectively to prepare and make out, within One Month then next ensuing, a true List of all Men residing within their respective Districts qualified with respect to Property, and liable to serve on Juries according to this Act as aforesaid, and also to perform and comply with all other the Requisitions in the said Precepts contained.

Clerk of the Peace to annex printed Forms of Returns to his Precepts.

V. And be it further enacted, That every such Clerk of the Peace shall cause a sufficient Number of Precepts and Returns to be printed according to the several Forms set forth in the Schedule marked (A.) hereunto annexed, at the Expence of the County, City, or Town, and shall annex to every Precept a competent Number of Returns for the Use of the respective Persons by whom such Returns are to be made.

Where there are several Collectors, each to be responsible for the Duties required by this Act.

VI. Provided always, and be it further enacted, That where, in any Barony, Half Barony, or other District of Collection, there shall be more than One such Collector, in such Case the Clerk of the Peace or Town Clerk shall issue and deliver his Precept to every one of such Collectors, each of whom shall be individually liable for the due Performance of the several Matters commanded in such Precept throughout the whole of such Barony, Half Barony, or other District, and shall for the Nonperformance thereof be subject

subject to all and every the Penalties by this Act imposed upon any such Collector.

VII. And be it further enacted, That such High Constable and Collector or Collectors shall forthwith, after the Receipt of such Precept from the Clerk of the Peace, prepare and make out in alphabetical Order a true List of every Man residing within their respective Districts of Collection who shall be qualified and liable to serve on Juries as aforesaid, with the Christian and Surname written at full Length, and with the true Place of Abode, the Title, Quality, Calling, or Business, and the Nature of the Qualification of every such Man, in the proper Columns of the Form of Return set forth in the Schedule marked (B.) hereunto annexed.

Collector of County Cess shall make out alphabetical List of Persons liable to serve on Juries, with Residences, &c

VIII. And be it further enacted, That such High Constable and Collector or Collectors, having made out according to this Act a List of every Man within his or their District qualified and liable to serve on Juries as aforesaid, shall, within One Month from the Receipt of such Precept as aforesaid, deliver a true Copy of such List to the Clerk of the Peace of the County, and of every County of a City and County of a Town, who shall respectively keep the same for a Period of Three Weeks from the Delivery thereof in their respective Offices, to be perused by any of the Inhabitants of such County, County of a City, or County of a Town, at any reasonable Time during such Three Weeks, without any Fee or Reward, and shall after the Expiration of such Three Weeks lay the same before the Justices assembled at Special Sessions in manner herein-after provided.

Collectors to deliver Lists to Clerk of Peace, &c.

IX. And be it further enacted, That the Justices assembled at every *October* General or Quarter Sessions of the Peace to be holden in each Division of each County at large, and the Justices for and in each County of a City and County of a Town in *Ireland*, shall, at a Sessions to be holden at *October* in every Year, fix a Place within such Division and within such Counties of Cities and Counties of Towns respectively, and also a Time not less than Two nor more than Three Calendar Months after the first Day of such General or Quarter Sessions, for holding a Special Sessions for the Purpose of examining the said Lists of Jurors pursuant to the Provisions herein-after contained, and shall give public Notice of such Place and Time; at which Place and Time such Justices shall attend; and such High Constables and Collectors as aforesaid, within such Divisions of Counties and within such Counties of Cities and Counties of Towns respectively, shall attend the said Justices, and shall answer upon Oath such Questions touching the same as shall be put to them by the Justices then present; and if any Man not qualified or not liable to serve on Juries as aforesaid shall be inserted in any List so produced, it shall be lawful for the said Justices, if satisfied, from the Oath of any Party examined before them, or from other Proof, or upon their own Knowledge, that he is not qualified or not liable to serve on Juries, to strike his Name out of such List, and also to strike thereout the Name of any Man disabled by Lunacy or Imbecility of Mind, or by Deafness or Blindness or other permanent Infirmary, from serving on Juries; and it shall also be lawful for such Justices to insert in such List the Name of any Man omitted and who ought to have been inserted therein, and likewise to reform any Errors or Omissions which shall appear to them to have

At *October* Sessions, Place and Time to be fixed for considering Lists.

in fact & registered by 589 &c 67

Lists to be there produced considered, reformed, and allowed.

been committed in respect to the Name, Place of Abode, Title, Quality, Calling, Business, or the Nature of the Qualification of any Man included in any such List: Provided always, that no Man's Name, if omitted, shall be inserted in such List, nor shall any Man's Name be struck out of such List, nor shall any Error or Omission in the Description of any Man in such List be reformed by the said Justices, unless upon the Application of such Men respectively, or unless such Men respectively shall have had Notice that an Application for such Purpose would be made to the Justices at such Special Sessions, or unless the said Justices at such Sessions, or any Two of them, shall cause Notice to be given to such Men respectively, requiring them to show Cause, either at the same Special Sessions, or at an Adjournment thereof to be holden within Four Days thereafter, and at such Time and Place as the said Justices shall in such Notice specify, why their Names should not be inserted or struck out of such List, or why any Error or Omission in the Description of such Men in such List should not be reformed; and when every such List shall be duly corrected by the Justices present at such Special Sessions or Adjournment thereof, and allowed and signed by them or Three of them, they the said Justices shall cause one general List to be made out therefrom, containing the Names of all Persons whose Qualification shall have been so allowed, arranged according to Rank and Property; and the presiding Justices at such Sessions shall deliver the same to the Clerk of the Peace, who shall thereupon cause the same to be truly and fairly copied, in the same Order, in a Book to be by him provided for that Purpose, at the Expence of the County, City, and Town respectively, with proper Columns for making the Register herein-after directed, and shall forthwith deliver the same Book to the Sheriff of the County, City, or Town, or his Under Sheriff, or the Town Clerk, which Book shall be called "The Jurors Book for the Year" (inserting the Calendar Year for which such Book is to be in use), and that every Sheriff, on quitting his Office, shall deliver the same to the succeeding Sheriff; and that every Jurors Book so prepared shall be brought into use on the First Day of *January* after it shall be so delivered by the Clerk of the Peace to the Sheriff or his Under Sheriff, and shall be used for One Year then next following.

X. And be it further enacted, That every Writ of Venire facias juratores, for the Trial, in any County, County of a City, or County of a Town, of any Issue whatsoever, whether civil or criminal, or on any penal Statute, in any of the Courts herein-before mentioned, shall direct the Sheriff of such County, City, or Town to return Twelve good and lawful Men of the Body of his County, qualified according to Law, and the rest of the Writ shall proceed in the accustomed Form; and that every Precept to be issued for the Return of Jurors before Courts of Oyer and Terminer, Gaol Delivery, and Sessions of the Peace, in *Ireland*, shall in like Manner direct the Sheriff to return a competent Number of good and lawful Men of the Body of his County, qualified according to Law, and shall not require the same to be returned from any particular Venue within the County; any Law, Custom, or Usage to the contrary notwithstanding.

XI. And be it further enacted, That the Sheriff shall not, in answer to any Writ of Venire facias, or Precept for the Return of Jurors,

Justices to deliver one general amended List to Clerk of the Peace to be kept among the Records of the County, and copied into a Book, to be delivered to Sheriff.

Sheriff to deliver the Book to his Successor.

Form of Venire facias and of Precept for Jurors at Gaol Deliveries and Sessions of the Peace.

Juries to be returned from Jurors Book by

Jurors.

Jurors, return the Names of any Persons not contained in the Jurors Book for the then current Year; and that where Process for returning a Jury for the Trial of any of the Issues aforesaid shall be directed to any Coroner, Elisor, or other Minister, he shall have free Access to the Jurors Book for the current Year, and shall not return the Names of any Persons not contained in the said Book: Provided always, that if there shall be no Jurors Book in existence for the current Year, it shall be lawful to return Jurors from the Jurors Book for the Year preceding; and that if it shall happen that any Person not in the Jurors Book shall be returned, and any Trial shall proceed, and Verdict be found, without any Objection to any such Person as a Juror, such Trial shall not be deemed a Mistrial, nor shall the Verdict thereon be impeached or questioned on account of the Return of such Juror; provided that nothing herein contained shall be construed to prevent any Sheriff or other Returning Officer, in making Returns to any Writ of Venire or Precept, from exercising his Discretion in framing the Panel annexed to such Returns in such Manner as he is now by Law directed to do, save only so far as to prevent the Insertion in such Panel of any Names not contained in the said Jurors Book.

Sheriff, and by
Coroners and
Elisors.

XII. And be it further enacted, That every Sheriff or other Minister to whom the Return of Juries for the Trial of Issues before any Court of Assize or Nisi Prius in any County, City, or Town of *Ireland* may belong, shall, upon his Return of every such Writ of Venire facias, (unless in Causes intended to be tried at Bar, or in Cases where a Special Jury shall be struck by Order or Rule of Court,) annex a Panel to the said Writ, containing the Names, together with the Places of Abode and Additions, of a competent Number of Jurors named in the Jurors Book; and that the Names of the same Jurors shall be inserted in the Panel annexed to every Venire facias for the Trial of all Issues at the same Assizes or Sessions of Nisi Prius in such County, City, or Town, which Number of Jurors shall not be less than Thirty-six nor more than Sixty, unless by the Direction of the Judges appointed to hold the Assizes or Sessions of Nisi Prius in the same County, City, or Town, or One of them, who are and is hereby empowered, by Order under their or his Hands or Hand, to direct a greater or lesser Number, and then such Number as shall be so directed shall be the Number to be returned; and such Jury so returned shall be competent to try all the Issues at that Assizes or Session of Nisi Prius; and that in the Writ of Habeas corpora juratorum or Distringas subsequent to such Writ of Venire facias it shall not be requisite to insert the Names of all the Jurors contained in such Panel, but it shall be sufficient to insert in the mandatory Parts of such Writs respectively, "The Bodies of the several Persons in the Panel to this Writ annexed named," or Words of the like Import, and to annex to such Writs respectively Panels containing the same Names as were returned in the Panel to such Venire facias, with their Places of Abode and Additions; and that for making the Returns and Panels aforesaid, and annexing the same to the respective Writs, the legal Fee, and no other, shall be taken; and that the Men named in such Panels, and no others, shall be summoned to serve on Juries at the then next Court of Assizes or Session of Nisi Prius for the respective Counties, Cities, and Towns named in such Writs.

Sheriff, &c. on
Return of Writs
of Venire facias,
to annex a Panel
of Jurors, &c.

been committed in respect to the Name, Place of Abode, Title, Quality, Calling, Business, or the Nature of the Qualification of any Man included in any such List: Provided always, that no Man's Name, if omitted, shall be inserted in such List, nor shall any Man's Name be struck out of such List, nor shall any Error or Omission in the Description of any Man in such List be reformed by the said Justices, unless upon the Application of such Men respectively, or unless such Men respectively shall have had Notice that an Application for such Purpose would be made to the Justices at such Special Sessions, or unless the said Justices at such Sessions, or any Two of them, shall cause Notice to be given to such Men respectively, requiring them to show Cause, either at the same Special Sessions, or at an Adjournment thereof to be holden within Four Days thereafter, and at such Time and Place as the said Justices shall in such Notice specify, why their Names should not be inserted or struck out of such List, or why any Error or Omission in the Description of such Men in such List should not be reformed; and when every such List shall be duly corrected by the Justices present at such Special Sessions or Adjournment thereof, and allowed and signed by them or Three of them, they the said Justices shall cause one general List to be made out therefrom, containing the Names of all Persons whose Qualification shall have been so allowed, arranged according to Rank and Property; and the presiding Justices at such Sessions shall deliver the same to the Clerk of the Peace, who shall thereupon cause the same to be truly and fairly copied, in the same Order, in a Book to be by him provided for that Purpose, at the Expence of the County, City, and Town respectively, with proper Columns for making the Register herein-after directed, and shall forthwith deliver the same Book to the Sheriff of the County, City, or Town, or his Under Sheriff, or the Town Clerk, which Book shall be called "The Jurors Book for the Year

Justices to deliver one general amended List to Clerk of the Peace to be kept among the Records of the County, and copied into a Book, to be delivered to Sheriff.

Sheriff to deliver the Book to his Successor.

Form of Venire facias and of Precept for Jurors at Gaol Deliveries and Sessions of the Peace.

Juries to be returned from Jurors Book by

" (inserting the Calendar Year for which such Book is to be in use), and that every Sheriff, on quitting his Office, shall deliver the same to the succeeding Sheriff; and that every Jurors Book so prepared shall be brought into use on the First Day of *January* after it shall be so delivered by the Clerk of the Peace to the Sheriff or his Under Sheriff, and shall be used for One Year then next following.

X. And be it further enacted, That every Writ of Venire facias juratores, for the Trial, in any County, County of a City, or County of a Town, of any Issue whatsoever, whether civil or criminal, or on any penal Statute, in any of the Courts herein-before mentioned, shall direct the Sheriff of such County, City, or Town to return Twelve good and lawful Men of the Body of his County, qualified according to Law, and the rest of the Writ shall proceed in the accustomed Form; and that every Precept to be issued for the Return of Jurors before Courts of Oyer and Terminer, Gaol Delivery, and Sessions of the Peace, in *Ireland*, shall in like Manner direct the Sheriff to return a competent Number of good and lawful Men of the Body of his County, qualified according to Law, and shall not require the same to be returned from any particular Venue within the County; any Law, Custom, or Usage to the contrary notwithstanding.

XI. And be it further enacted, That the Sheriff shall not, in answer to any Writ of Venire facias, or Precept for the Return of Jurors,

Jurors,

Jurors, return the Names of any Persons not contained in the Jurors Book for the then current Year; and that where Process for returning a Jury for the Trial of any of the Issues aforesaid shall be directed to any Coroner, Elisor, or other Minister, he shall have free Access to the Jurors Book for the current Year, and shall not return the Names of any Persons not contained in the said Book: Provided always, that if there shall be no Jurors Book in existence for the current Year, it shall be lawful to return Jurors from the Jurors Book for the Year preceding; and that if it shall happen that any Person not in the Jurors Book shall be returned, and any Trial shall proceed, and Verdict be found, without any Objection to any such Person as a Juror, such Trial shall not be deemed a Mistrial, nor shall the Verdict thereon be impeached or questioned on account of the Return of such Juror; provided that nothing herein contained shall be construed to prevent any Sheriff or other Returning Officer, in making Returns to any Writ of Venire or Precept, from exercising his Discretion in framing the Panel annexed to such Returns in such Manner as he is now by Law directed to do, save only so far as to prevent the Insertion in such Panel of any Names not contained in the said Jurors Book.

Sheriff, and by
Coroners and
Elisors.

XII. And be it further enacted, That every Sheriff or other Minister to whom the Return of Juries for the Trial of Issues before any Court of Assize or Nisi Prius in any County, City, or Town of *Ireland* may belong, shall, upon his Return of every such Writ of Venire facias, (unless in Causes intended to be tried at Bar, or in Cases where a Special Jury shall be struck by Order or Rule of Court,) annex a Panel to the said Writ, containing the Names, together with the Places of Abode and Additions, of a competent Number of Jurors named in the Jurors Book; and that the Names of the same Jurors shall be inserted in the Panel annexed to every Venire facias for the Trial of all Issues at the same Assizes or Sessions of Nisi Prius in such County, City, or Town, which Number of Jurors shall not be less than Thirty-six nor more than Sixty, unless by the Direction of the Judges appointed to hold the Assizes or Sessions of Nisi Prius in the same County, City, or Town, or One of them, who are and is hereby empowered, by Order under their or his Hands or Hand, to direct a greater or lesser Number, and then such Number as shall be so directed shall be the Number to be returned; and such Jury so returned shall be competent to try all the Issues at that Assizes or Session of Nisi Prius; and that in the Writ of Habeas corpora juratorum or Distringas subsequent to such Writ of Venire facias it shall not be requisite to insert the Names of all the Jurors contained in such Panel, but it shall be sufficient to insert in the mandatory Parts of such Writs respectively, "The Bodies of the several Persons in the Panel to this Writ annexed named," or Words of the like Import, and to annex to such Writs respectively Panels containing the same Names as were returned in the Panel to such Venire facias, with their Places of Abode and Additions; and that for making the Returns and Panels aforesaid, and annexing the same to the respective Writs, the legal Fee, and no other, shall be taken; and that the Men named in such Panels, and no others, shall be summoned to serve on Juries at the then next Court of Assizes or Session of Nisi Prius for the respective Counties, Cities, and Towns named in such Writs.

Sheriff, &c. on
Return of Writs
of Venire facias,
to annex a Panel
of Jurors, &c.

If Plaintiff sue forth a Venire, &c. in order to Trial, and proceed not, he may afterwards sue forth another Venire, &c. and try it at any subsequent Assizes.

Defendant may do the same.

Copy of the Panel to be kept in the Sheriff's Office, for the Inspection of the Parties.

Not to alter the Powers of Courts to make Orders for re-

XIII. And be it further enacted, That if any Plaintiff or Demandant in any Cause which shall be at issue in any of His Majesty's Courts of Record at *Dublin*, or any Defendant in any Action of Quare impedit or Replevin which shall be so at issue, shall sue out any Writ of Venire facias upon which any Writ of Habeas corpora or Distringas with a Nisi prius shall issue, in order to the Trial of the said Issue at the Assizes or Sessions of Nisi Prius in any County, City, or Town, and shall not proceed to Trial at the first Assizes or Sessions of Nisi Prius for such County, City, or Town after the Teste of such Writ of Habeas corpora or Distringas, then and in every such Case (except when a View by Jurors shall be directed as herein-after mentioned) such Plaintiff, Demandant, or Defendant, whensoever he or she shall think fit to try the said Issue at any other Assizes or Sessions of Nisi Prius for such County, City, or Town, shall sue forth a new Writ of Venire facias, commanding the Sheriff to return anew Twelve good and lawful Men of the Body of his County, qualified according to Law, and the rest of the Writ shall proceed in the accustomed Manner; which Writ being duly returned, a Writ of Habeas corpora or Distringas with a Nisi prius shall issue thereupon, (for which the same Fees shall be paid as in the Case of the Pluries, Habeas corpora or Distringas with a Nisi prius,) upon which such Plaintiff, Demandant, or Defendant shall and may proceed to Trial as lawfully and effectually to all Intents and Purposes as if no former Writ of Venire facias had been prosecuted in that Cause, and so *toties quoties* as the Case shall require; and if any Defendant or Tenant in any Action depending in any of the said Courts shall be minded to bring to Trial, in any County, City, or Town, any Issue joined against him, where by the Practice of the Court he may do the same, by Proviso, he shall or may, of the issuable Term next preceding such intended Trial to be had at the next Assizes or Sessions of Nisi Prius of such County, City, or Town, sue out a new Venire facias to the Sheriff or other Officer having the Return of such Process, in the Form aforesaid, by Proviso, and prosecute the same by Writ of Habeas corpora or Distringas with a Nisi prius, as lawfully and effectually to all Intents and Purposes as if no former Writ of Venire facias had been sued out or returned in that Cause, and so *toties quoties* as the Matter shall require.

XIV. And be it further enacted, That the Sheriff or other Minister to whom the Return of Jurors for the Trial of Causes in any County, City, or Town in *Ireland* may belong, shall cause to be made out a List of the Names of all the Jurors contained in the Panels to the several Writs of Venire facias annexed as aforesaid, with their respective Places of Abode and Additions; and every such Sheriff or other Minister shall keep such List in the Office of his Under Sheriff or Deputy for Seven Days at least before the Sitting of the next Court of Assize or Nisi Prius; and the Parties in all Causes to be tried at any such Court of Assize or Nisi Prius, and their respective Attornies, shall, on Demand, have full Liberty to inspect such Lists, without any Fee or Reward to be paid for Inspection.

XV. Provided always, and be it further declared and enacted, That nothing herein contained shall be construed to prevent the Court of King's Bench, or any Court of Oyer and Terminer, Gaol

Delivery, or Court of Sessions of the Peace, from respectively having and exercising the same Power and Authority as they may now have and exercise, in issuing any Writ or Precept, or in making any Award or Order, orally or otherwise, for the Return of a Jury for the Trial of any Issue before any of such Courts respectively, or for the amending or enlarging the Panel of Jurors returned for the Trial of any such Issue; and the Return to every such Writ, Precept, Award, or Order, and the Proceedings thereon, shall be made in the Manner heretofore used and accustomed in such Courts respectively; save and except that the Jurors shall be returned from the Body of the County, and not from any particular Venue within the County, and shall be qualified according to this Act.

turning Juries
as heretofore.

XVI. And be it further enacted, That where in any Case, either civil or criminal, or on any penal Statute depending in any of the said Courts of Record in *Dublin*, it shall appear, to any of the respective Courts, or to any Judge thereof in Vacation, that it will be proper and necessary that the Jurors or some of the Jurors who are to try the Issue in such Case should have the View of the Place in question, in order to their better understanding the Evidence that may be given upon the Trial of such Issues, in every such Case such Court, or any Judge thereof in Vacation, may order a Rule to be drawn up containing the usual Terms, and also requiring, if such Court or Judge shall so think fit, the Party applying for the View to deposit in the Hands of the Under Sheriff a Sum of Money to be named in the Rule, for Payment of the Expences of the View, and commanding special Writs of Venire facias, Distringas, or Habeas corpora to issue, by which the Sheriff or other Minister to whom the said Writs shall be directed shall be commanded to have Six or more of the Jurors named in such Writs, or in the Panels thereunto annexed, (who shall be mutually consented to by the Parties, or, if they cannot agree, shall be nominated by the proper Officer of the respective Courts of King's Bench, Common Pleas, or Exchequer, at *Dublin*, for the Causes in their respective Courts,) at the Place in question, some convenient Time before the Trial, who then and there shall have the Place in question shown to them by Two Persons in the said Writs named, to be appointed by the Court or Judge; and the said Sheriff or other Minister who is to execute any such Writ shall, by a special Return upon the same, certify that the View hath been had according to the Command of the same, and shall specify the Names of the Viewers.

Where Jurors
are to view
Lands, &c.
Court may order
special Writs of
Venire facias,
Distringas, or
Habeas corpora.

XVII. And be it further enacted, That where a View shall be allowed in any Case, those Men who shall have had the View, or such of them as shall appear upon the Jury to try the Issue, and shall not be challenged off, shall be first sworn; and so many only shall be added to the Viewers who shall appear as shall, after all Defaulters and Challenges allowed, make up a full Jury of Twelve.

Viewers, in case
of Appearance,
to be sworn
upon the Jury
first.

XVIII. And be it further enacted, That the Summons of every Man to serve on any Jury, Common or Special, in any of the Courts aforesaid, shall be made by the proper Officer Six Days at least before the Day on which the Juror is to attend, by showing to the Man to be summoned, or in case he shall be absent from the usual Place of his Abode, by leaving with some Person there inhabiting, a Note, in Writing under the Hand of the Sheriff, Sub-Sheriff, or other proper Officer, containing the Substance of such Summons.

Jurors to be
summoned Six
Days before
Day of Attend-
ance.

XIX. And

Names of Jurors to be delivered to Clerk of Judge of Assize and ballotted for Juries in Civil Courts.

XIX. And be it further enacted, That the Name of each Man who shall be summoned and impanelled in any Court of Assize or Nisi Prius, with the Place of his Abode and Addition, shall be written on a distinct Piece of Parchment or Card, such Pieces of Parchment or Card being all as nearly as may be of an equal Size, and shall be delivered unto the Clerk of the Judge of Assize or Nisi Prius who is to try the Cause, by the Under Sheriff of the County, City, or Town, or other Officer returning the Process, and shall, by Direction and Care of such Clerk, be put together in a Box to be provided for that Purpose; and when any Issue shall be brought on to be tried, such Clerk shall in open Court draw out Twelve of the said Parchments or Cards one after another, after having shaken them together, or, in Cases where any View shall have been directed and had as aforesaid, so many as, together with the Viewers who shall appear and be sworn, shall be sufficient to make up the Number of Twelve; and if any of the Men whose Names shall be so drawn shall not appear, or shall be challenged and set aside, then such further Number until Twelve Men, or such other Number as, together with such Viewers so appearing and sworn as aforesaid, shall make up the Number of Twelve, be drawn, who shall appear, and who, after all just Causes of Challenge allowed, shall remain as fair and indifferent; and the said Twelve Men, their Names being marked in the Panel, and they being sworn, shall be the Jury to try the Issue; and the Names of the Men so drawn and sworn shall be kept apart by themselves until such Jury shall have given in their Verdict and the same shall be recorded, or until such Jury shall, by the Consent of the Parties or by Leave of the Court, be discharged, and then the same Names shall be returned to the Box, there to be kept with the other Names remaining at that Time undrawn, and so *toties quoties* as long as any Issue remains to be tried: Provided always, that if any Issue shall be brought on to be tried in any of the said Courts before the Jury in any other Issue shall have brought in their Verdict or been discharged, it shall be lawful for the Court to order Twelve of the Residue of the said Parchments or Cards, not containing the Names of any of the Jurors who shall not have so brought in their Verdict or been discharged, to be drawn in such Manner as aforesaid for the Trial of the Issue which shall be so brought on to be tried: Provided also, that where both Parties shall consent thereto it shall be lawful for the Court to try any Issue with the same Jury that shall have previously tried or been drawn to try any other Issue, without their Names being returned to the Box and redrawn, or to order the Name or Names of any Man or Men on such Jury whom both Parties may consent to withdraw, or who may be justly challenged or excused by the Court, to be set aside, and another Name or other Names to be drawn from the Box, and to try the Issue with the Residue of such original Jury and with such Man or Men whose Name or Names shall be so drawn, and who shall appear and be approved as indifferent, and so *toties quoties* as long as any Issue remains to be tried.

Where the Jury have not brought in their Verdict, Twelve others to be drawn.

The same Jury, if consented to, may try several Issues in Succession, without being re-drawn.

Want of Qualification in Common Jurors to be Cause of Challenge.

XX. And be it further enacted, That if any Man shall be returned as a Juror for the Trial of any Issue in any of the Courts herein-before mentioned, who shall not be qualified according to this Act, the Want of such Qualification shall be good Cause of Challenge, and he shall be discharged upon such Challenge, if the Court shall

shall be satisfied of the Fact; and that if any Man returned as a Juror for the Trial of any such Issue shall be qualified in other respects according to this Act, the Want of Freehold shall not be accepted as good Cause of Challenge, either by the Crown or by the Party, nor as a Cause for discharging the Man so returned upon his own Application, any Law, Custom, or Usage to the contrary notwithstanding; provided that nothing herein contained shall extend in anywise to any Special Juror.

Not to extend to Special Jurors.

XXI. And be it further enacted, That no Challenge shall be taken to any Panel of Jurors for want of a Knight's being returned in such Panel, nor any Array quashed by reason of any such Challenge; any Law, Custom, or Usage to the contrary notwithstanding.

No Challenges for want of a Knight.

XXII. Provided always, and be it enacted, That nothing in this Act contained shall in anywise be construed or deemed to repeal, alter, or affect an Act made in the First Session of the Thirty-third Year of the Reign of His late Majesty King *Henry the Eighth*, intituled *An Act that Consanguinity or Affinity, being not within the Fifth Degree, shall be no principal Challenge*; or an Act made in the Parliament of *Ireland*, in the Seventh Year of the Reign of King *William the Third*, intituled *An Act for Redress of Inconveniences for Want of Proof of the Decease of Persons beyond the Seas or absenting themselves upon whose Lives Estates do depend*.

Act not to affect Irish Acts, 39 H. 8. sess. 1. c. 4. & 7 W. 3. c. 8. as to Consanguinity.

XXIII. And be it further enacted and declared, That it is and shall be lawful for His Majesty's Courts of King's Bench, Common Pleas, and Exchequer in *Ireland* respectively, upon Motion made on behalf of the King, or upon the Motion of any Prosecutor, Relator, Plaintiff, or Demandant, or of any Defendant or Tenant, in any Case whatsoever, whether civil or criminal, or on any penal Statute, excepting only Indictments for Treason or Felony depending in any of the said Courts, and the said Courts and Judges respectively are hereby authorized in any of the Cases before mentioned to order and appoint a Special Jury to be struck before the proper Officer of each respective Court, for the Trial of any Issue joined in any of the said Cases and triable by a Jury, in such Manner as herein-after directed for the striking of Special Juries; and every Jury so struck shall be the Jury returned for the Trial of such Issue.

Court to have the Power of ordering Special Juries to be struck before the proper Officer.

XXIV. And be it further enacted, That the Sheriff of every County, City, and Town respectively, or his Under Sheriff, shall, within Ten Days from the Delivery of the Jurors Book for the current Year to either of them, take from such Book the Names of all such Persons as are Sons of Peers, and of all Baronets, Knights, Magistrates, and of Persons who have served or been returned to serve the Office of Sheriff or Grand Juror at the Assizes, and of all Bankers and wholesale Merchants who do not exercise retail Trades, and of all Trades who are possessed of Personal Property of the Value of Five thousand Pounds, and of the eldest Sons of such Persons respectively, and if such Descriptions of Persons shall not be so numerous as to furnish a competent Number of Persons out of whom a Special Jury may be formed, as herein-after provided, then a sufficient Number of other Persons whose Names are contained in the Jurors Book, Consideration being had of the Rank and Property of such Persons, and shall respectively cause the same

What Persons shall be qualified and liable to serve on Special Juries.

A List thereof to be made, and a Number to be prefixed to each Name.

Numbers to be written on separate Cards and put into a Box.

Officer of Court to appoint the Time and Place for nominating Special Jury.

Under Sheriff, or his Agent, to attend Officer with the Special Jurors List.

Officer to put all the Numbers into a Box, and to draw out Forty-eight, and to check them with the Numbers and Names in the List ;

to be fairly and truly copied out in alphabetical Order, together with the respective Places of Abode and Additions of such Men in a separate List, to be subjoined to the Jurors Book, which List shall be called "The Special Jurors List," and shall prefix to every Name in such List its proper Number, beginning the Numbers from the first Name, and continuing them in a regular arithmetical Series down to the last Name, and shall cause the said several Numbers to be written upon distinct Pieces of Parchment or Card, being all, as nearly as may be, of equal Size, and, after all the said Numbers shall have been so written, shall put the same together in a separate Drawer or Box, and shall there safely keep the same, to be used for the Purpose herein-after mentioned.

XXV. And be it further enacted, That whenever any of the Courts or Judges above mentioned shall order a Special Jury to be struck before the proper Officer of such Court, such Officer shall appoint a Time and Place for the Nomination of such Special Jury ; and a Copy of the Rule of Court and of such Officer's Appointment shall be served on the Sheriff or Under Sheriff of the County, City, or Town in which the Trial is to be had, and also on all the Parties who have usually been served with the same respectively, in the accustomed Manner ; and the said Officer, at the Time and Place appointed, being attended by such Sheriff or Under Sheriff, or his Agent, who are hereby respectively required to bring with them the Jurors Book and such Special Jurors List, or Two Copies thereof signed by such Sheriff or Under Sheriff, and all the Numbers so written on distinct Pieces of Parchment or Card as aforesaid, shall, in the Presence of all the Parties in any of the Cases aforesaid, and of their Attornies, if they respectively choose to attend, or if the said Parties or their Attornies, all or any of them, do not attend, then in their Absence, put all the said Numbers into a Box, to be by him provided for that Purpose, and after having shaken them together shall draw out of the said Box Forty-eight of the said Numbers, one after another, and shall, as each Number is drawn, refer to the corresponding Number in the Special Jurors List, and read aloud the Name designated by such Number ; and if at the Time of so reading any Name either Party or his Attorney shall object that the Man whose Name shall have been so referred to is in any Manner incapacitated from serving on the said Jury, and shall also then and there prove the same to the Satisfaction of the said Officer, such Name shall be set aside, and the said Officer shall instead thereof draw out of the said Box another Number, and shall in like Manner refer to the corresponding Number in the said List, and read aloud the Name designated thereby, which Name may be in like Manner set aside, and other Numbers and Names shall in every such Case be resorted to, according to the Mode of proceeding herein-before described for the Purpose of supplying Names in the Places of those set aside, until the whole Number of Forty-eight Names not liable to be set aside shall be completed ; and if in any Case it shall so happen that the whole Number of Forty-eight Names cannot be obtained from the Special Jurors List, then and in that Case the said Officer shall fairly and indifferently take, according to the Mode of Nomination heretofore pursued in nominating Special Juries, such a Number of Names from the General Jurors List as shall be required to make up the full Number of Forty-eight Names, all and every

every of which Forty-eight Names shall in such Case be equally deemed and taken to be those of Special Jurors ; and the said Officer shall afterwards make out for each Party a List of the Forty-eight Names, in the Order in which they shall have been drawn as aforesaid, together with their respective Places of Abode and Additions, and after having made out such List shall return all the Numbers so drawn out, together with all the Numbers remaining undrawn, to such Sheriff or Under Sheriff, or his Agent, to be by such Sheriff or Under Sheriff safely and securely kept for future Use ; and all the subsequent Proceedings for reducing the said List of Forty-eight, and all other Matters whatsoever relating to Special Juries, shall remain and continue in force as heretofore, except where the same or any Part thereof is expressly altered by this Act ; and all the Fees heretofore legally payable on the striking of Special Juries shall continue to be paid in the accustomed Manner.

and to deliver a List of the Forty-eight Names to each Party, to be reduced as heretofore.

XXVI. Provided always, and be it further enacted, That nothing herein contained shall be construed to prevent the Parties in any Cause, or their Attornies, from consenting to have a Special Jury nominated according to the Mode used and accustomed before the passing of this Act ; and upon a Consent to that Effect, signed by each Party or his Attorney, being communicated to the proper Officer, he is hereby authorized and required to nominate a Special Jury for the Trial of every such Cause according to the Mode used and accustomed before the passing of this Act : Provided also, that nothing herein contained shall be construed to prevent the same Special Jury, however nominated, from trying any Number of Causes, so as the Parties in every such Cause, or their Attornies, shall have signified their Assent in Writing to the Nomination of such Special Jury for the Trial of their respective Causes, or shall consent thereto in open Court : Provided also, that it shall be lawful for the Court, if it shall so think fit, upon the Application of any Man who shall have served upon One Special Jury or more at any Assizes or Sessions of Nisi Prius, to discharge such Man from serving upon any other Special Jury during the same Assizes or Session of Nisi Prius.

The Parties may, by Consent, have a Special Jury struck according to the ancient Mode.

The same Special Jury may, by Consent, try any Number of Causes.

Court may discharge any one who has served at the same Assizes.

XXVII. And be it further enacted, That the Person or Party who shall apply for a Special Jury shall pay the Fees for striking such Jury, and all the Expences occasioned by the Trial of the Cause by the same, and shall not have any further or other Allowance for the same, upon Taxation of Costs, than such Person or Party would be entitled unto in case the Cause had been tried by a Common Jury, unless the Judge before whom the Cause is tried shall immediately after the Trial certify under his Hand upon the Back of the Record that the same was a Cause proper to be tried by a Special Jury.

Costs of Special Jury.

XXVIII. And be it further enacted, That where a full Jury shall not appear before any Court of Assize or Nisi Prius in any Criminal Prosecution properly triable in such Court, or in any Suit or Action, or where, after Appearance of a full Jury, by Challenge of any of the Parties the Jury is likely to remain untaken for Default of Jurors, every such Court, upon Request made for the King by any one thereto authorized or assigned by the Court in Cases of such Criminal Prosecutions as aforesaid, or on Request made by the Parties, Plaintiff or Demandant, Defendant or Tenant, or their respective

Tales de Circumstantibus.

or that any Member of such Corporate Body shall be the Brother, Uncle, Nephew, or First Cousin of the Wife of any Person named in such List, then such Officer shall strike out of such List the Name or Names of any and every such Person, and the Name or Names of another or other Person or Persons shall be inserted in such List by the said Officer; and such Name or Names of such Person or Persons may be set aside or struck out in like Manner as if such Name or Names had been originally placed in such List as aforesaid; and in such Case the Names of other Persons shall be resorted to for the Purpose of supplying Names in the Places of those set aside or struck out, until the whole Number of Forty-eight Names of Persons not objected to as liable to be struck out shall be completed; and the said Officer shall afterwards make out for each Party a List of such Forty-eight Names, together with the respective Places of Abode and Additions of the Persons; and all the subsequent Proceedings for reducing the said List, and all other Matters whatsoever relating to Special Juries, shall remain and continue in force; and in any such Action or Suit it shall not afterwards be deemed, taken, allowed, or admitted as a Cause or Ground of Challenge of any of such Persons, that any such Person was of collateral Kindred or Affinity with any Member of such Corporate Body.

Certain Provisions of 6 G. 4. c. 51. rendered applicable to Indictments found by Term Grand Juries in His Majesty's Court of King's Bench in Ireland.

XXXI. ' And whereas by an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled ' *An Act for the Amendment of the Laws with respect to Special Juries, and to Trials in Counties of Cities and Towns and Towns Corporate in Ireland*, it is amongst other things enacted, that in ' every Action, whether the same be transitory or local, which shall ' be prosecuted or depending in any of His Majesty's Courts of ' Record in *Dublin*, and in every Indictment removed into His ' Majesty's Courts of King's Bench in *Dublin* by Writ of Certiorari, ' and in every Information filed by His Majesty's Attorney or Solicitor General in *Ireland*, or by Leave of the Court of King's ' Bench in *Ireland*, and in all Cases where any Person or Persons ' shall plead to or traverse any of the Facts contained in the Return ' to any Writ of Mandamus in *Ireland*, if the Venue in such Action, ' Indictment, or Information be laid in any County of a City, ' County of a Town, or Town Corporate within *Ireland*, or if such ' Writ of Mandamus be directed to any Person or Persons, or ' Body Politic or Corporate, in *Ireland*, it shall and may be lawful ' for the Court in which such Action, Indictment, Information, or ' other Proceeding shall be depending, at the Prayer and Instance ' of any Prosecutor or Plaintiff, or of any Defendant, to direct the ' Issue or Issues joined in such Action, Indictment, Information, ' or Proceeding to be tried by a Jury of the County next adjoining ' to such County of a City, County of a Town, or Town Corporate, ' and to award proper Writs of Venire or Distringas accordingly, if ' the said Court shall think fit and proper so to do: And whereas ' it is expedient that the said Provisions of the said last-mentioned ' Act should be applied to Indictments found by Term Grand Juries ' of the County or County of the City of *Dublin*, in His Majesty's ' Court of King's Bench in *Ireland* ;' be it therefore enacted, That so much of the said Act of the Sixth Year of the Reign of King *George* the Fourth as is herein-before specified shall apply and extend

extend to and include any Indictment found by any Term Grand Jury of the County of *Dublin* or of the County of the City of *Dublin*, in His Majesty's Court of King's Bench in *Ireland*, in like Manner, to all Intents and Purposes, as in the Case of an Indictment removed into the said Court by Writ of Certiorari.

XXXII. And be it further enacted, That if any Man, having been duly summoned to attend on any kind of Jury in any of the Courts in this Act mentioned, shall not attend in pursuance of such Summons, or being Thrice called shall not answer to his Name, or if any such Man, or any Talesman, after having been called, shall be present but not appear, or after his Appearance shall wilfully withdraw himself from the Presence of the Court, the Court shall set such Fine upon every such Man or Talesman so making default (unless some reasonable Excuse shall be proved by Oath or Affidavit) as the Court shall think meet: Provided always, that where any Viewer, having been duly summoned to attend on any Jury, shall make default as aforesaid, the Court is hereby authorized and required to set upon such Viewer (unless some reasonable Excuse shall be proved as aforesaid) a Fine to the Amount of Ten Pounds at the least, and as much more as the Court, under the Circumstances of the particular Case, shall think proper.

Fine on Jurors making default, 10*l*.

XXXIII. And be it further enacted, That every Sheriff and other Minister to whom the Return of Juries shall belong shall be and is hereby indemnified for impanelling and returning any Man named in the Jurors Book, although he may not be qualified or liable to serve on Juries; and that if any Sheriff or other such Minister shall wilfully impanel and return any Man to serve on any Jury before any of the Courts herein-before mentioned, (except on the Grand Jury at any Assizes or Sessions,) such Man's Name not being inserted in the Jurors Book for the current Year, or if such Book has not been delivered, then in the Jurors Book last delivered, or if any Prothonotary, Judge's Clerk, Clerk of the Peace, Town Clerk, or other Officer of any of the Courts in this Act mentioned, shall wilfully record the Appearance of any Man so summoned and returned who did not really appear, in every such Case the Court shall, upon Examination in a summary Way, set such Fine upon such Sheriff, Minister, Prothonotary, Judge's Clerk, Clerk of the Peace, or other Officer offending, as the Court shall think meet.

Sheriff indemnified in returning any Person whose Name is in the List.

If he returns One not in the List, or if the Clerk of Assize records Appearances when the Party did not appear, to be fined.

XXXIV. And be it further enacted, That no Sheriff, Under Sheriff, Coroner, Elisor, Bailiff, or other Officer or Person whatsoever, shall directly or indirectly take or receive any Money or other Reward, or Promise of Money or Reward, or any Consideration whatsoever, or the Promise of any Consideration, to excuse any Man from serving or from being summoned to serve on Juries, or under any such Colour or Pretence; and that no Bailiff or other Officer appointed by any Sheriff, Under Sheriff, Coroner, or Elisor, to summon Juries, shall summons any Man to serve thereon, other than those whose Names are specified in a Warrant or Mandate signed by such Sheriff, Under Sheriff, Coroner, or Elisor, and directed to such Bailiff or other Officer; and if any Sheriff, Under Sheriff, Coroner, Elisor, Bailiff, or other Officer shall wilfully transgress in any of the Cases aforesaid, or shall neglect to summon any Juror, or shall summon any Juror less than Four Days before the Day on which he is to attend, except in the Cases herein-before excepted,

No Money to be taken to excuse Persons from serving.

None to be summoned but those named in the Warrant.

or that any Member of such Corporate Body shall be the Brother, Uncle, Nephew, or First Cousin of the Wife of any Person named in such List, then such Officer shall strike out of such List the Name or Names of any and every such Person, and the Name or Names of another or other Person or Persons shall be inserted in such List by the said Officer; and such Name or Names of such Person or Persons may be set aside or struck out in like Manner as if such Name or Names had been originally placed in such List as aforesaid; and in such Case the Names of other Persons shall be resorted to for the Purpose of supplying Names in the Places of those set aside or struck out, until the whole Number of Forty-eight Names of Persons not objected to as liable to be struck out shall be completed; and the said Officer shall afterwards make out for each Party a List of such Forty-eight Names, together with the respective Places of Abode and Additions of the Persons; and all the subsequent Proceedings for reducing the said List, and all other Matters whatsoever relating to Special Juries, shall remain and continue in force; and in any such Action or Suit it shall not afterwards be deemed, taken, allowed, or admitted as a Cause or Ground of Challenge of any of such Persons, that any such Person was of collateral Kindred or Affinity with any Member of such Corporate Body.

Certain Provisions of 6 G. 4. c. 51. rendered applicable to Indictments found by Term Grand Juries in His Majesty's Court of King's Bench in Ireland.

XXXI. ' And whereas by an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the Amendment of the Laws with respect to Special Juries, and to Trials in Counties of Cities and Towns and Towns Corporate in Ireland*, it is amongst other things enacted, that in every Action, whether the same be transitory or local, which shall be prosecuted or depending in any of His Majesty's Courts of Record in *Dublin*, and in every Indictment removed into His Majesty's Courts of King's Bench in *Dublin* by Writ of Certiorari, and in every Information filed by His Majesty's Attorney or Solicitor General in *Ireland*, or by Leave of the Court of King's Bench in *Ireland*, and in all Cases where any Person or Persons shall plead to or traverse any of the Facts contained in the Return to any Writ of Mandamus in *Ireland*, if the Venue in such Action, Indictment, or Information be laid in any County of a City, County of a Town, or Town Corporate within *Ireland*, or if such Writ of Mandamus be directed to any Person or Persons, or Body Politic or Corporate, in *Ireland*, it shall and may be lawful for the Court in which such Action, Indictment, Information, or other Proceeding shall be depending, at the Prayer and Instance of any Prosecutor or Plaintiff, or of any Defendant, to direct the Issue or Issues joined in such Action, Indictment, Information, or Proceeding to be tried by a Jury of the County next adjoining to such County of a City, County of a Town, or Town Corporate, and to award proper Writs of Venire or Distringas accordingly, if the said Court shall think fit and proper so to do: And whereas it is expedient that the said Provisions of the said last-mentioned Act should be applied to Indictments found by Term Grand Juries of the County or County of the City of *Dublin*, in His Majesty's Court of King's Bench in *Ireland*; be it therefore enacted, That so much of the said Act of the Sixth Year of the Reign of King *George* the Fourth as is herein-before specified shall apply and extend

extend to and include any Indictment found by any Term Grand Jury of the County of *Dublin* or of the County of the City of *Dublin*, in His Majesty's Court of King's Bench in *Ireland*, in like Manner, to all Intents and Purposes, as in the Case of an Indictment removed into the said Court by Writ of Certiorari.

XXXII. And be it further enacted, That if any Man, having been duly summoned to attend on any kind of Jury in any of the Courts in this Act mentioned, shall not attend in pursuance of such Summons, or being Thrice called shall not answer to his Name, or if any such Man, or any Talesman, after having been called, shall be present but not appear, or after his Appearance shall wilfully withdraw himself from the Presence of the Court, the Court shall set such Fine upon every such Man or Talesman so making default (unless some reasonable Excuse shall be proved by Oath or Affidavit) as the Court shall think meet: Provided always, that where any Viewer, having been duly summoned to attend on any Jury, shall make default as aforesaid, the Court is hereby authorized and required to set upon such Viewer (unless some reasonable Excuse shall be proved as aforesaid) a Fine to the Amount of Ten Pounds at the least, and as much more as the Court, under the Circumstances of the particular Case, shall think proper.

Fine on Jurors making default, 10*l*.

XXXIII. And be it further enacted, That every Sheriff and other Minister to whom the Return of Juries shall belong shall be and is hereby indemnified for impanelling and returning any Man named in the Jurors Book, although he may not be qualified or liable to serve on Juries; and that if any Sheriff or other such Minister shall wilfully impanel and return any Man to serve on any Jury before any of the Courts herein-before mentioned, (except on the Grand Jury at any Assizes or Sessions,) such Man's Name not being inserted in the Jurors Book for the current Year, or if such Book has not been delivered, then in the Jurors Book last delivered, or if any Prothonotary, Judge's Clerk, Clerk of the Peace, Town Clerk, or other Officer of any of the Courts in this Act mentioned, shall wilfully record the Appearance of any Man so summoned and returned who did not really appear, in every such Case the Court shall, upon Examination in a summary Way, set such Fine upon such Sheriff, Minister, Prothonotary, Judge's Clerk, Clerk of the Peace, or other Officer offending, as the Court shall think meet.

Sheriff indemnified in returning any Person whose Name is in the List.

If he returns One not in the List, or if the Clerk of Assize records Appearances when the Party did not appear, to be fined.

XXXIV. And be it further enacted, That no Sheriff, Under Sheriff, Coroner, Elisor, Bailiff, or other Officer or Person whatsoever, shall directly or indirectly take or receive any Money or other Reward, or Promise of Money or Reward, or any Consideration whatsoever, or the Promise of any Consideration, to excuse any Man from serving or from being summoned to serve on Juries, or under any such Colour or Pretence; and that no Bailiff or other Officer appointed by any Sheriff, Under Sheriff, Coroner, or Elisor, to summon Juries, shall summons any Man to serve thereon, other than those whose Names are specified in a Warrant or Mandate signed by such Sheriff, Under Sheriff, Coroner, or Elisor, and directed to such Bailiff or other Officer; and if any Sheriff, Under Sheriff, Coroner, Elisor, Bailiff, or other Officer shall wilfully transgress in any of the Cases aforesaid, or shall neglect to summon any Juror, or shall summon any Juror less than Four Days before the Day on which he is to attend, except in the Cases herein-before excepted,

No Money to be taken to excuse Persons from serving.

None to be summoned but those named in the Warrant.

the Court of Assize, Nisi Prius, Oyer and Terminer, Gaol Delivery, or Court of Sessions of the Peace within whose Jurisdiction the Offence shall have been committed, may and is hereby required, on Examination and Proof of such Offence in a summary Way, to set such a Fine upon every Person so offending as the Court shall think meet, according to the Nature of the Offence.

Penalties on
Collectors for
neglecting to
make out Lists,
&c.

XXXV. And be it further enacted, That if any such High Constable or Collector as aforesaid shall refuse or neglect (unless prevented by Sickness) to make out or assist in making out any List required by this Act, so that the same shall not be made out at the Time and in the Manner herein-before directed, or shall wilfully omit out of such List any Man whose Name ought to be inserted therein, or shall wilfully insert therein the Name of any Man who ought to be omitted, or shall take any Money or other Reward, or Promise of Money or Reward, or other Consideration, for omitting or inserting any Man whatsoever, or shall wilfully insert therein a wrong Description of the Name, Place of Abode, Title, Quality, Calling, Business, or the Nature of the Qualification of any Man; or shall refuse or wilfully neglect, in case the Number of Forms of Returns delivered by the Clerk of the Peace shall be insufficient, to apply to the Clerk of the Peace for a sufficient Number, so that the List may be made out at the Time and in the Manner herein-before directed; or shall refuse to allow any Inhabitant of their respective Districts to inspect such List, or a true Copy thereof, *gratis*, at any reasonable Time during the Three Weeks herein-before mentioned; or shall on due Notice refuse or wilfully neglect to produce such List at such Sessions as aforesaid, or to answer on Oath such Questions touching the same as shall there be put, or to attend at such Sessions or any such Adjournment thereof as aforesaid; every such Person offending in any of the foregoing Cases shall for every such Offence forfeit a Sum not exceeding Fifty Pounds nor less than Forty Shillings, at the Discretion of the Justice before whom he shall be convicted; and the Justice before whom such Offender shall be convicted of any such Offence of wrongful Insertion or Omission shall forthwith, in Writing under his Hand, certify the same to the Clerk of the Peace of the County, City, or Town in which the Man or Men so wrongfully omitted or inserted shall reside; and the said Clerk of the Peace shall cause the List in which such wrongful Insertion or Omission shall have occurred to be corrected according to such Certificate, and shall also give Notice thereof to the Sheriff or Under Sheriff, who shall correct the Jurors Book accordingly.

Penalties on
Clerks of Peace,
Town Clerks,
and Sheriffs
neglecting their
Duty.

XXXVI. And be it further enacted, That if any Clerk of the Peace or Town Clerk shall refuse or wilfully neglect to cause a sufficient Number, either of Precepts or Forms of Return, to be printed in the Manner herein-before directed, or shall refuse or wilfully neglect to issue and deliver to any Collector within the Meaning of this Act the Precepts as herein-before directed, or to annex to the same such a Number of the Forms of Return as he shall *bona fide* deem sufficient, or to deliver to any High Constable or Collector such additional Number thereof as he may apply for within Three Days after such Application; or shall refuse or wilfully neglect to provide or prepare a Jurors Book within the Time or in the Manner and Form herein-before prescribed, or to deliver
the

the same to the Sheriff or Under Sheriff within the Time herein-before prescribed, or to give Notice to the Sheriff or Under Sheriff of any wrongful Insertion or Omission certified to him by any Justice of the Peace as aforesaid; or if any Sheriff or Under Sheriff shall make or cause to be made any Alteration whatsoever in the List of Jurors contained in the Jurors Book, except in the Cases herein-before provided for; or if any Sheriff or Under Sheriff of a County shall wilfully neglect or refuse to provide or prepare a List of Special Jurors in the Manner and within the Time herein-before prescribed, or shall wilfully write or cause to be written therein the Name of any Person not qualified, or shall wilfully omit thereout the Name of any Person duly qualified as a Special Juror, or shall neglect or refuse to write or cause to be written the several Numbers contained in such List upon distinct Pieces of Parchment or Card, in the Manner and within the Time herein-before prescribed, or shall subtract or destroy, or by any Default or Neglect lose, any of the said Pieces of Parchment or Card, or shall wilfully neglect or refuse, upon Discovery of such Loss, to supply the same within Five Days; or if any Sheriff or Under Sheriff shall refuse or wilfully neglect, within Ten Days after the next succeeding Sheriff shall have entered upon Office, to deliver over to him, as well all the Jurors Books and Lists which shall be made or prepared in the Year of his Sherifalty, as also such other like Books and Lists as were prepared in the Sherifalty of any of his Predecessors, within Four Years then next preceding, and which were delivered over to him by any of his Predecessors; every such Clerk of the Peace, Sheriff or Under Sheriff, offending in any of the said Cases, shall for every such Offence forfeit the Sum of One hundred Pounds, one Moiety whereof shall be to the Use of His Majesty, His Heirs or Successors, and the other Moiety, with full Costs, to such Person as shall sue for the same, in any of His Majesty's Courts of Record at *Dublin*, by Action of Debt, Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

XXXVII. Provided always, and it is hereby further enacted, That nothing herein contained shall extend or be construed to extend to deprive any Alien, indicted or impeached of any Felony or Misdemeanor, of the Right of being tried by a Jury *de medietate linguae*, but that on the Prayer of every Alien so indicted or impeached the Sheriff or other proper Minister shall, by Command of the Court, return for One Half of the Jury a competent Number of Aliens, if so many there be in the Town or Place where the Trial is had, and if not, then so many Aliens as shall be found in the same Town or Place, if any; and that no such Alien Juror shall be liable to be challenged for Want of Freehold or of any other Qualification required by this Act, but every such Alien may be challenged for any other Cause, in like Manner as if he were qualified by this Act.

Juries de medietate linguae.

XXXVIII. And be it further enacted, That no Justice of the Peace shall be summoned or impanelled as a Juror to serve at any Sessions of the Peace for the Jurisdiction of which he is a Justice.

Justices not to be summoned as Jurors.

XXXIX. And be it further enacted, That no Man shall be impanelled or returned to serve on any Jury for the Trial of any Capital Offence in any County, City, or Town, who shall not be qualified to serve as a Juror in Civil Causes within the same County,

Persons qualified to serve in Civil Causes not to be returned to serve on Capital Offences; but

if sworn, not afterwards to be objected to.

City, or Town; and the same Matter and Cause being alleged by way of Challenge, and so found, shall be admitted and taken as a principal Challenge, and the Person so challenged shall and may be examined on Oath of the Truth of the said Matter; provided that if it shall happen that any such Person, not qualified as last aforesaid, shall have been impanelled on any such Jury, and shall be sworn to try the Issue in such Case as last aforesaid, without any Challenge having been taken in due Time for the Cause aforesaid, no Objection shall ever afterwards be admitted or taken for the Want of such Qualification.

Qualification of Jurors on Writs of Inquiry, &c.

XL. And be it further enacted, That no Man shall be summoned or impanelled to serve as a Juror in any County, City, or Town in *Ireland* upon any Inquest or Inquiry to be taken or made by or before any Sheriff or Coroner by virtue of any Writ of Inquiry, or by or before any Commissioners appointed under the Great Seal or the Seal of the Court of Exchequer, who shall not be duly qualified according to this Act to serve as a Juror upon Trials at Nisi Prius in such County, City, or Town: Provided always, that nothing herein contained shall extend to any Inquest of the Death of any Person to be taken by or before any Coroner by virtue of his Office, or to any Inquest or Inquiry to be taken or made by or before any Sheriff or Coroner of any Liberty, Franchise, City, Borough, or Town Corporate, not being Counties; but that the Sheriffs and Coroners in all such Cases to which this Act doth not extend as aforesaid shall and may respectively take and make all Inquests and Inquiries by Jurors of the same Description as they have been used and accustomed to do before the passing of this Act.

Exception for Coroners Inquests.

Sheriffs, Coroners, and Commissioners may fine Jurors for Non-attendance.

XLI. And be it further enacted, That if any Man having been duly summoned and returned to serve as a Juror in any County, City, or Town in *Ireland*, upon any Inquest or Inquiry before any Sheriff or Coroner by virtue of any Writ of Inquiry, or before any of the Commissioners aforesaid, shall not, after being openly called Three Times, appear and serve as such Juror, every such Sheriff, or, in his Absence, the Under Sheriff, and such Coroner and Commissioners respectively, are hereby authorized and required, unless some reasonable Excuse shall be proved on Oath or Affidavit, to impose such Fine upon every Man so making default as they shall respectively think fit, not exceeding Five Pounds; and every such Sheriff, Under Sheriff, Coroner, and Commissioners respectively shall make out and sign a Certificate, containing the Christian and Surname, the Residence and Trade or Calling of every Man so making default, together with the Amount of the Fine imposed, and the Cause of such Fine, and shall transmit such Certificate to the Clerk of the Peace or Town Clerk for the Place in which every such Defaulter shall reside on or before the first Day of the Quarter Session next ensuing; and every such Clerk of the Peace and Town Clerk is hereby required to copy the Fines so certified on the Roll on which all Fines and Forfeitures imposed at such Quarter Sessions shall be copied; and the same shall be estreated, levied, and applied in like Manner, and subject to the like Powers, Provisions, and Penalties, in all respects, as if they had been Part of the Fines imposed at such Quarter Sessions.

Fines to be enrolled by Clerk of the Peace, and levied as Fines imposed at Quarter Sessions.

How Fines and Penalties are to

XLII. And be it further enacted, That all Fines to be imposed under this Act by any of the King's Courts of Record at *Dublin*,

or by any Court of Assize, Nisi Prius, Oyer and Terminer, or Gaol Delivery, or any Court of the Sessions of the Peace in *Ireland*, shall be levied and applied in the same Manner as any other Fines imposed by the same Court; and that all other Penalties hereby created (for which no other Remedy is given) shall, on Conviction of the Offender before any one Justice of the Peace within the Jurisdiction, be levied, unless such Penalty be forthwith paid, by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of such Justice, who is hereby authorized to hear and examine Witnesses on Oath or Affirmation on any Complaint, and to determine the same, and to mitigate the Penalty, if he shall see fit, to the Extent of One Moiety thereof; and all Penalties the Application whereof is not herein-before particularly directed shall be paid to the Complainant; and for Want of sufficient Distress the Offender shall be committed, by Warrant under the Hand and Seal of such Justice, to the Common Gaol or House of Correction for such Term not exceeding Six Calendar Months as such Justice shall think proper, unless such Penalty be sooner paid.

be recovered
and applied.

XLIII. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That the Justice before whom any Person shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case shall happen; *videlicet*,

Form of Con-
viction.

‘ **BE** it remembered, That on _____ in the Year of our Lord
‘ at _____ *A.B.* is convicted before me *C.D.*, one
‘ of His Majesty’s Justices of the Peace for the _____ of
‘ _____ for that he the said *A.B.* did [*specifying the Offence*
‘ *and the Time and Place where the same was committed, as the Case*
‘ *shall be*]; and the said *A.B.* is for his said Offence adjudged by me
‘ the said Justice to forfeit and pay the Sum of _____

‘ Given under my Hand and Seal the Day and Year first above
‘ mentioned.’

XLIV. And be it further enacted, That no such Conviction shall be quashed for Want of Form, or be removed or removable by Certiorari, or by any other Writ or Process whatsoever, into any of His Majesty’s Courts of Record at *Dublin*; and that where any Distress shall be made for any Penalty to be levied by virtue of this Act, the Distress itself shall not be deemed to be unlawful, nor the Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto; nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity which shall be afterwards done by him, but the Person aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage (if any) in an Action upon the Case, first giving Notice in Writing of the Cause of Action to the opposite Party One Calendar Month before the Commencement of such Action; but no Plaintiff shall recover in any Action for such Irregularity if Tender of sufficient Amends shall have been made before such Action brought, or if a sufficient Sum of Money to satisfy the Damages and Costs up to that Time shall have been paid into Court after such Action brought, by or on behalf of the Party distraining.

Conviction not
to be quashed
for Want of
Form.

Persons sued
for any thing
done in pur-
suance of this
Act may plead
the General
Issue.

XLV. And be it further enacted, That if any Suit or Action shall be prosecuted against any Person for any thing done in pursuance of this Act, such Person may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, or in Replevin may avow generally that the Goods in question were taken under and by virtue of this Act; and if a Verdict shall pass for the Defendant or Avowant, or the Plaintiff shall become nonsuited, or discontinue his or her Action after Issue joined, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff, the Defendant or Avowant shall recover Double Costs, and have the like Remedy for the same as any Defendant hath by Law in other Cases; and though a Verdict shall be given for the Plaintiff in any such Action, such Plaintiff shall not have Costs against the Defendant, unless the Judge before whom the Trial shall be shall certify his Approbation of the Action, and of the Verdict obtained thereon.

Venue to be laid
in the County
where the Fact
is committed.

XLVI. And be it further enacted, That all Actions, Suits, and Prosecutions to be commenced against any Person for any thing done in pursuance of this Act shall be laid and tried in the County where the Fact was committed, unless where the Defendant or Avowant in such Action shall be the Sheriff or Under Sheriff or other Person having the Return of Jury Process in such County, in which Case it may, at the Option of the Plaintiff, be laid and tried in any next adjoining County; and every such Action, Suit, and Prosecution shall be commenced within Six Calendar Months after the Fact committed, and not otherwise; and that Notice in Writing of such Cause of Action shall be given to the Defendant or Defendants, or Avowant or Avowants, One Calendar Month at least before the Commencement of the Action.

Writs of Attaint,
&c. against
Juries abolished.

XLVII. And be it further enacted, That from and after the passing of this Act it shall not be lawful, either for the King or any One on His Behalf, or for any Party or Parties in any Case whatsoever, to commence or prosecute any Writ of Attaint against any Jury or Jurors for the Verdict by them given, or against the Party or Parties who shall have Judgment upon such Verdict; and that no Inquest shall be taken to inquire of the Concealments of other Inquests, but that all such Attaints and Inquests shall henceforth cease, become void, and utterly abolished; any Law, Statute, or Usage to the contrary notwithstanding.

Embracery and
corrupt Jurors
punishable by
Fine and Im-
prisonment.

XLVIII. Provided always, and be it enacted and declared, That notwithstanding any thing herein contained, every Person who shall be guilty of the Offence of Embracery, and every Juror who shall wilfully or corruptly consent thereto, shall and may be respectively proceeded against by Indictment or Information, and be punished by Fine and Imprisonment, in like Manner as every such Person and Juror might have been before the passing of this Act.

Commencement
of Act.

XLIX. And be it further enacted, That those Parts of this Act which relate to the issuing of Warrants and Precepts for the Return of Jury Lists, the Preparation, Production, Reformation, and Allowance of those Lists, the holding of Sessions for those Purposes, the Formation of a Jurors Book, and the Delivery thereof to the Sheriff, and the Preparation of a List of Special Jurors, and of Parchment or Cards, in the Manner heretofore mentioned, shall commence and take effect so soon after the passing of this Act as the proper Periods

Periods for doing those Things shall occur; and that the rest of this Act shall commence and take effect on the First Day of *January* in the Year One thousand eight hundred and thirty-four.

L. And be it further enacted, That from and after the Commencement of the several Parts of this Act, the several Statutes and Acts, and Parts of Statutes and Acts, herein-after mentioned, so far as the same relate to *Ireland*, shall be repealed; (that is to say,) so much of the Provisions made in the Forty-third Year of the Reign of King *Henry* the Third as relates to Exemptions from Assizes, Juries, and Inquests; and so much of a Statute made in the Fifty-second Year of the same Reign as relates to the like Exemptions; and so much of the same Statute as provides that all, being Twelve Years of Age, ought to appear at Inquests for the Death of Man; and so much of a Statute made at *Westminster* in the Thirteenth Year of the Reign of King *Edward* the First as directs that the Justices shall not put in Assizes or Juries any other than those that were first summoned to the same at first; and so much of the same Statute as ordains how many and what sort of Persons shall be returned on Juries and Petty Assizes; and a Statute made in the Twenty-first Year of the same Reign, intituled *Statutum de illis qui debent poni in Juratis et Assizis*; and so much of a Statute made in the Twenty-eighth Year of the same Reign, intituled *Articuli super Cartas*, as directs that the Jurors shall be of the next Neighbours; and an Ordinance made in the Thirty-third Year of the same Reign, commonly called *An Ordinance for Inquests*; and so much of a Statute made in the Thirty-fourth Year of the same Reign, commonly called *Ordinatio Forestæ*, as enjoins that none of the Ministers therein mentioned be put in Assizes, Juries, or Inquests without the Forest; and so much of a Statute made in the Fifth Year of the Reign of King *Edward* the Third as relates to the Punishment of a corrupt Juror; and so much of a Statute made in the Twentieth Year of the same Reign as relates to the Punishment of Embracers and corrupt Jurors; and so much of a Statute or Ordinance made in the Twenty-seventh Year of the same Reign, commonly called *The Ordinance of the Staples*, as prescribes the Mode of Trial where one Party or both Parties are Aliens; and so much of a Statute made in the Twenty-eighth Year of the same Reign as directs that all Manner of Inquests and Process shall be taken between Aliens and Denizens; and so much of a Statute made in the Thirty-fourth Year of the same Reign as accords that Panels of Inquests shall be of the Neighbourhood; and so much thereof as directs the Proceedings against Jurors taking a Reward to give their Verdict; and so much thereof as relates to the Qualification of Jurors on Inquests of Escheat; and so much of a Statute made in the Thirty-sixth Year of the same Reign as relates to Jurors on Inquests of Escheat; and so much of the First Statute made in the Thirty-eighth Year of the same Reign as ordains the Penalty on corrupt Jurors and Embracers; and so much of a Statute made in the Forty-second Year of the same Reign as directs that Panels in Assizes shall be arrayed Four Days before the Sessions, and that the Jurors therein shall be those that have the best Knowledge of the Truth, and be nearest; and so much of a Statute made in the Seventh Year of the Reign of King *Richard* the Second as relates to granting a Writ of *Nisi prius* at the Suit of

Repeal of ancient Acts extending to Ireland; viz.

48 H. 3.

52 H. 3. c. 14.

c. 24.

13 E. 1. c. 30.

c. 38.

21 E. 1. st. 1.

28 E. 1. st. 3. c. 9.

33 E. 1. st. 4.

34 E. 1. st. 5. c. 8.

5 E. 3. c. 10.

20 E. 3. c. 6.

27 E. 3. st. 2. c. 8.

28 E. 3. c. 13.

34 E. 3. c. 4.

c. 8.

c. 13.

36 E. 3. st. 1. c. 13.

38 E. 3. c. 12.

42 E. 3. c. 11.

7 R. 2. c. 7.

- 11 H. 4. c. 9. any Jurors; and so much of a Statute made in the Eleventh Year of the Reign of King *Henry* the Fourth as directs that Jurors in Indictments shall be returned by the Sheriffs or Bailiffs without the Denomination of any; and so much of the Second Statute made in the Second Year of the Reign of King *Henry* the Fifth as relates to the Qualifications of Jurors; and so much of a Statute made in the Sixth Year of the Reign of King *Henry* the Sixth as relates to the Panels in Special Assizes; and so much of a Statute made in the Eighth Year of the same Reign as relates to Inquests and Proofs taken between Aliens and Denizens; and so much of a Statute made in the Twenty-third Year of the same Reign as ordains that no Sheriff or Under Sheriff shall return any of their Officers or Servants in any of the Cases therein mentioned; and an Act passed in the First Year of the Reign of King *Richard* the Third, intituled *An Act for returning sufficient Jurors*; and that the several Acts and Parts of Acts passed in the Parliament of *Ireland*, and herein-after mentioned, shall also be repealed; (that is to say,) an Act passed in the Seventh Year of the Reign of King *Henry* the Sixth, intituled *An Act for the Additions of Jurors*; and also an Act passed in the Thirteenth Year of the Reign of King *Henry* the Eighth, intituled *An Act touching Jurors to pass in Attaint*; and also an Act passed in the Second Session of the Tenth Year of the Reign of King *Charles* the First, intituled *An Act concerning the Appearance of Jurors in the Nisi Prius*; and also an Act passed in the Tenth and Eleventh Years of the same Reign, intituled *An Act for the limiting of peremptory Challenges in Cases of Treason and Felonies, and so forth*; and so much of an Act passed in the Sixth Year of the Reign of Queen *Anne*, intituled *An Act for the Amendment of the Law, and the better Advancement of Justice*, as relates to Writs of Venire facias, and to Jurors having the View; and also so much of an Act passed in the Sixth Year of the Reign of King *George* the First, intituled *An Act for exempting the Protestant Dissenters of this Kingdom from certain Penalties to which they are now subject*, as relates to Exemptions from serving upon Juries; and also so much of an Act passed in the Twelfth Year of the same Reign, intituled *An Act for the better regulating the Office of Sheriffs, and for the ascertaining their Fees, and the Fees for suing out their Patents, and passing their Accounts*, as relates to the impanelling or Return of Juries; and also an Act passed in the Twenty-ninth Year of the Reign of King *George* the Second, intituled *An Act for better regulating Juries*, so far as the same relates to Counties at large; and also so much of an Act passed in the Thirteenth and Fourteenth Years of the Reign of King *George* the Third, intituled *An Act for reviving and continuing several temporary Statutes, and to prevent the destructive Practice of trawling Fish in the Bay of Dublin*, as revives or continues the said Act of the Twenty-ninth Year of King *George* the Second; and also so much of an Act passed in the Seventeenth and Eighteenth Years of the Reign of King *George* the Third, intituled *An Act for the Amendment of the Law with respect to Outlawries, returning Special Juries, and the future Effects of Bankrupts, in certain Cases*, as in anywise relates to Special Juries for Trials in Counties at large; and also so much of an Act passed in the Twenty-third and Twenty-fourth Years of the Reign of King *George* the Third, intituled *An Act for establishing*
- 1 R. 3. c. 4.
Repeal of Acts
made in the
Parliaments of
Ireland; viz.
7 H. 6. c. 1.
13 H. 8. c. 3.
10 C. 1. st. 2. c. 13.
10 & 11 C. 1. c. 9.
6 Anne, c. 10.
s. 6, 7, 8.
6 G. 1. c. 5. s. 11.
12 G. 1. c. 4. s. 16.
29 G. 2. c. 6.
13 & 14 G. 3.
c. 41. s. 1.
17 & 18 G. 3.
c. 45. s. 3. to s. 10.
23 & 24 G. 3.
c. 17. s. 35.
- a Post*

a Post Office within this Kingdom, as relates to any Exemption from serving upon any Jury or Inquest; and also an Act passed in the Twenty-fifth Year of the same Reign, intituled *An Act to take away the Challenge to the Array of Panels of Jurors for Want of a Knight on Trials which a Peer or Lord of Parliament is a Party*; and also so much of an Act passed in the Thirty-fourth Year of the same Reign, intituled *An Act for reviving and continuing certain temporary Statutes*, as revives and makes perpetual the said Act of the Twenty-fifth Year of the same Reign; and also so much of an Act passed in the Twenty-sixth Year of the same Reign, intituled *An Act for making, widening, and repairing public Roads in the County of Dublin, and for repealing Parts of several Acts formerly made for that Purpose*, as provides that any Treasurer, Inspector of the Accounts, Secretary of the Grand Jury, or Collector of any Barony, shall not be returned upon any Panel for any Jury in the County of Dublin; and also so much of an Act passed in the Thirty-fifth Year of the same Reign, intituled *An Act for the better Regulation of the Receipts and Issues of His Majesty's Treasury, and for repealing an Act of Parliament passed in the Tenth Year of Henry the Seventh, intituled 'An Act authorizing the Treasurer to make all Officers as the Treasurer of England doth,'* as relates to any Exemption from serving upon any Jury; and that so much of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland in the Sixth Year of the Reign of His late Majesty, intituled *An Act for the Amendment of the Laws with respect to Special Juries, and to Trials in Counties of Cities and Towns and Towns Corporate in Ireland*, as relates to Special Juries in any Indictments or Informations tried in any County at large in Ireland, shall also be repealed; and the said several herein-before recited Statutes and Acts, and Parts of Statutes and Acts, are hereby severally and respectively repealed accordingly, save only so far as the same or any of them repeals or repeal any other Acts or Parts of Acts, and save only as far as any of them direct that the Sheriff, Sub-Sheriff, or other Returning Officer shall return upon Panels, when so required by Writ of Venire facias or other Precept, such Persons as shall be most sufficient, substantial, and worthy of Credit, and not suspect: Provided always, that nothing herein contained shall be construed to affect or alter any Part of an Act passed in the Parliament of Ireland in the Nineteenth Year of the Reign of King George the Second, intituled *An Act for accepting the solemn Affirmation or Declaration of the People called Quakers, instead of an Oath in the usual Form*: Provided also, that nothing herein contained shall extend or be construed to extend to alter, abridge, or affect any Power or Authority which any Court or Judge now hath, or any Practice or Form in regard to Trials by Jury, Jury Process, Juries or Jurors, except in those Cases only where any such Power or Authority, Practice or Form, is repealed or altered by this Act, or is or shall be inconsistent with any of the Provisions thereof, nor to abridge or affect any Privilege of Parliament: Provided also, that nothing herein contained shall extend to or in any Manner affect any Jurors or Juries in any Matter or Cause to be heard or tried by Civil Bill before any Assistant Barrister in Ireland, but that all such Matters and Causes may be heard and tried as before the passing of this Act.

25 G. 3. c. 31.

34 G. 3. c. 23. s. 4.

26 G. 3. c. 14.
s. 71.35 G. 3. c. 28.
s. 35.Repeal of Act
of United
Parliament,
6 G. 4. c. 51. s. 1.Not to affect
Act relating to
Quakers;nor any Powers
unrepealed;nor Juries on
Civil Bills
before Assistant
Barristers.

Act may be
amended this
Session.

L.I. And be it enacted, That this Act may be amended, altered, or repealed by any Act or Acts to be passed in this present Session of Parliament.

SCHEDULE (A.)

PRECEPT for RETURNING LISTS of JURORS.

County of ^{[or} } To the High Constable and Collector of
County of the City of } Grand Jury Cess [*or A.B.* one of the Col-
^{or County of} } lectors of Grand Jury Cess] in the Barony
the Town of .] } [*or Half Barony, or District, &c.*]
in the said County [*City or Town*].

YOU are hereby required, within One Month from the Date hereof, to make out a true List in Writing, in the Form hereunto annexed, containing the Names of all Men, being natural-born Subjects of the King, between the Ages of Twenty-one and Sixty, residing within your District of Collection, qualified to serve upon Juries; (that is to say,) of every such Man who has in his own Name or in Trust for him a clear Income of Ten Pounds by the Year in Lands or Tenements situate in the said County [*City or Town*], or in Rents issuing out of any such Lands or Tenements, or in such Lands, Tenements, and Rents taken together, in Fee Simple or Fee Tail, or for his own Life, or for the Life of any other Person; and also of every such Man who has a clear Income of Fifteen Pounds by the Year in Lands or Tenements situate in the said County [*City or Town*], held by Lease, originally made for an absolute Term of Twenty-one Years or more, whether the same be or be not determinable on any Life or Lives; and also of any resident Merchant, Freeman, and Householder having a House and Tenement in any City, Town, or Borough situate within the said County, of the clear yearly Value of Twenty Pounds, such City, Town, or Borough not being a County of itself; [*and if in any City or Town, add,* (and also of every resident Merchant, Freeman, and Householder having Lands or Tenements or Personal Estate of the Value of One hundred Pounds;)] and you are required to make out the said List in alphabetical Order, and to write the Christian and Surname of every Man at full Length, and the Place of his Abode, his Title, Quality, Calling, or Business, and the Nature of his Qualification, in the proper Columns of the Forms hereunto annexed, according to the Specimens given in such Columns for your Guidance; and if you have not a sufficient Number of Forms, you must apply to me for more; and in making such Lists you are to omit the Names of all Peers, all Judges, all Clergymen, all Roman Catholic Priests, all Ministers of any Religious Congregation; all Serjeants and Barristers at Law, all Assistant Barristers, all Advocates in Ecclesiastical Courts or in Courts of the Civil Law, if actually practising; and all Attornies, Solicitors, and Proctors, if actually practising, and having taken out their annual Certificates; all Officers of the Courts of Law and Equity, and of the Admiralty and Ecclesiastical Courts, and Courts of the Civil Law, and of all Courts of Criminal Jurisdiction, if actually exercising the Duties of their respective Offices; all Public Notaries, all Coroners, all Gaolers and Keepers of the Houses of Correction; all Members and Licentiates of the King and Queen's College of Physicians in
Ireland,

Ireland, and all other Physicians, all Members of the Royal Colleges of Surgeons in London, Edinburgh, and Dublin, and Apothecaries certificated by the Court of Examiners of the Governor and Company of the Apothecaries Hall of the City of Dublin, if actually practising as Physicians, Surgeons, or Apothecaries respectively; all the Officers of the Navy and Army on Full Pay; all Officers of Customs and Excise; all Sheriffs Officers, Police Constables, and Parish Clerks; all Persons employed or acting in the Service of His Majesty's Post Office; all Treasurers, and Secretaries of Grand Juries; and also all Persons exempt by virtue of any Prescription, Charter, Grant, or Writ: And when you have made out such List you are authorized to order a sufficient Number of Copies thereof to be printed, (the Expence of which printing will be allowed you by the County,) and you are required, within One Month from the Date hereof, to deliver a true Copy of such List to the Clerk of the Peace of the County of every County of a City or County of a Town within the said County, and to attend the Justices at any Special Sessions to be held for the Purpose of examining the Lists, of the Time and Place of holding which you shall be previously informed, and there to answer on Oath such Questions as shall be put to you by His Majesty's Justices of the Peace there present touching the said Lists: And these several Matters you are in nowise to omit, upon the Peril that may ensue.

Given under my Hand, at _____ in the said County,
the _____ Day of _____ in the Year _____
Clerk of the Peace for the said
County [City, or Town].

SCHEDULE (B.)

FORM of RETURN of JURORS.

County of _____ } The Return of the High Constable and of the
County of the City of _____ } Collector of the Grand Jury Cess of the
or County of _____ } District of _____ in the County
the Town of _____ } [City or Town] of _____

MEN QUALIFIED TO SERVE ON JURIES.

Christian and Surnames, in alphabetical Order of Surnames.	Barony, District, and Place in which the Men live.	Title, Quality, Calling, or Business.	Qualification, whether Freehold or Leasehold, Merchant, Freeman, or Householder.

CAP. XCII.

An Act to explain and amend the Provisions of certain Acts for the erecting and establishing Public Infirmaries, Hospitals, and Dispensaries in *Ireland*.

[28th August 1833.]

‘ WHEREAS it is expedient that the Provisions contained in certain Acts relating to the erecting and establishing Public Infirmaries and Hospitals and Dispensaries in *Ireland* should be explained and amended : And whereas the Vice-Treasurer or Vice-Treasurers of *Ireland* is or are empowered and directed, by an Act of the Parliament of *Ireland* of the Fifth George Third, to pay a stated Sum half-yearly to the Treasurers of each Infirmary or Hospital in *Ireland* : And whereas it is enacted by an Act of the Fifty-fourth George Third, that it shall and may be lawful for the Grand Jury of any County, County of a City, or County of a Town in *Ireland* to present a certain Sum as an Addition to the Salary of the Surgeon or Physician of the Infirmary or Hospital of such County, County of a City, or County of a Town, over and above the Sum to be advanced by the Vice-Treasurer or Vice-Treasurers aforesaid : And whereas it is also provided by the aforesaid Act, that before any such Presentment shall be made a Certificate signed by at least Five Governors of such Infirmary or Hospital, as therein directed, shall be laid before the Grand Jury : And whereas it is also provided by an Act passed in the Parliament of *Ireland* in the Fifth of George Third, that the Governors or Governesses of any Infirmary or Hospital aforesaid shall at a General Meeting appoint a standing Committee to regulate the Economy thereof :’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act no Donor or Donors of any Sum or Sums of Money to any of the said Infirmaries or Hospitals shall be permitted to vote at any Election upon any Vacancy which may hereafter occur for the Office of Surgeon or Physician to such Infirmary or Hospital, unless he, she, or they shall have respectively paid the Donation by virtue of which he, she, or they claim a Right to vote at such Election One Year at least before such Vacancy shall have occurred.

II. Be it further enacted, That all Sum or Sums of Money directed to be issued by the Vice-Treasurer and Vice-Treasurers of *Ireland*, under the said recited Act or Acts, shall be applied either to the Payment of a Surgeon and a Physician, or to the Payment of a Surgeon or a Physician, except as excepted by the said Act.

III. Be it further enacted, That any such Presentment as is directed by the said recited Act or Acts shall be made half-yearly, and the Amount thereof paid to the Treasurer of such Infirmary or Hospital of such County, County of a City, or County of a Town ; and also that the Certificate as directed by such recited Act or Acts aforesaid shall, in addition to what is required by the said Act or Acts, contain the following Words ; that is to say, “ That the said Surgeon

Irish Act,
5 G. 3. c. 20.

54 G. 3. c. 62.

Irish Act,
5 G. 3. c. 20.

No Person to
vote for Sur-
geons to Hospi-
tals or Infir-
maries in Ireland
who has not
paid Subscrip-
tion for One
Year previously.

Sums paid by
Vice-Treasurer
to be appro-
priated to
Surgeon and
Physician.

Amount of
Presentment to
be paid to
Treasurer of
Hospital.

Surgeon or Physician hath since the late Assizes diligently complied with the Rules and Regulations of the Governors of the said Infirmary or Hospital ;" and also that true Copies of such Letters Testimonial as are required by the Act of the Parliament of *Ireland* of the Thirty-sixth *George* Third, to be obtained by such Surgeon or Physician shall be laid before such Grand Jury previous to their making any such Presentment.

Certificate to contain certain Words.
Testimonials to be laid before Grand Jury.

IV. Be it further enacted, That in every Case where the Surgeon or Physician of any Infirmary or Hospital is now required or enabled by Law to receive any Patient into the Hospital or Infirmary in his Charge, other than by the written Recommendation of one of the Governors or Governesses aforesaid, the said Surgeon or Physician is hereby required to report such Case to the standing Committee at the next Meeting, as well as to preserve the Certificates of all Persons recommended on their Admission ; and should any Patient be so recommended by any Governor or Governess of any such Infirmary or Hospital, who, on Examination by such Surgeon or Physician, shall appear to him or them to be inadmissible, from the Rules and Regulations of the Governors or Governesses of any such Infirmary or Hospital, it shall be lawful for the said Surgeon or Physician to reject such Patient as an intern Patient, and he is hereby required to explain, in Writing on the Back of such Certificate of Recommendation, to such Governor or Governess so recommending every such Patient, the due Cause of his not admitting every such Patient as aforesaid.

Admission of Patients.

V. And be it further enacted, That no Subscriber to any Dispensary for the Support of which any Grand Jury in *Ireland* shall hereafter present any Sum or Sums of Money shall be entitled to vote at the Election of any Surgeon or Physician of any Dispensary as aforesaid, unless such Person shall have paid his or her Subscription to the Treasurer of such Dispensary at least One Year completed before any such Election shall take place, save and except such Persons as shall have subscribed to the said Dispensary at its original Formation, or prior to the first Grand Jury Presentment in aid of the same.

No Subscriber to a Dispensary to vote at Elections unless Subscription previously paid for One Year.

Exception.

VI. And be it further enacted, That any Grand Jury may appoint to the Care of County Gaols, subject to the Provisions of the said recited Acts, a Surgeon being a Member or Licentiate of one of the Royal Colleges of Surgeons, or a Physician being a Member or Licentiate of one of the Royal Colleges of Physicians ; and that whenever the Surgeon or Physician so appointed to the Care of any County Gaol shall also be the Surgeon of a County Infirmary situate within Five Miles of such County Gaol, he shall for and in consideration of such additional Salary which the Grand Jury is empowered to present to the Surgeon of an Infirmary, pursuant to the Provisions of the aforesaid recited Act of the Fifty-fourth Year of the Reign of His Majesty King *George* the Third, give his professional Services and Attendance to the Prisoners and others within such County Gaol, without other Fee, Salary, or Reward ; and it shall not be lawful for any Grand Jury to present any Sum as a Salary to be paid to such Surgeon in virtue of his Appointment as Surgeon or Physician of such County Gaol : Provided nothing herein contained shall prevent any Grand Jury presenting a Sum as Salary for the Physician or Surgeon of County Gaols,

Grand Jury to appoint a Surgeon to County Gaols without Salary if he be Surgeon of an Infirmary within 5 Miles of same, but otherwise with a Salary.

Gaols, if such Person be other than the Surgeon of an Infirmary situate within Five Miles of the County Gaol of same County.

Grand Jury empowered to withhold Presentment in case of Bribery at Elections of Surgeons, &c.

VII. And be it further enacted, That it shall and may be lawful to and for any Grand Jury in *Ireland*, at the Assizes or Presenting Term next ensuing after the Election of any such Surgeon or Physician as aforesaid, to call him before them, and to examine such Surgeon or Physician so elected, or any other Person or Persons in said County, upon Oath, touching the said Election; and if it shall appear that any Offer, Gift, Promise, or Loan of any Money or other valuable Thing shall have been made, with the Privy or on behalf of any such Surgeon or Physician, either then or in prospect, to procure any Vote or Votes for his Election, it shall then be competent for the said Grand Jury, and the said Grand Jury are hereby authorized and required, thereupon to withhold any Sum or Sums of Money presented or to be by them presented for or as the Salary of the said Surgeon or Physician of such Infirmary, Hospital, or Dispensary aforesaid, and then and in that Case such Surgeon or Physician shall be deemed incapable of receiving at any future Time any Money by Presentment from the said County for the Management of any Infirmary, Hospital, or Dispensary within the same.

CAP. XCIII.

in part repealed by 8 & 9 V.C. 80. s. 5. An Act to regulate the Trade to *China* and *India*.
[28th August 1833.]

‘ WHEREAS the exclusive Right of trading with the Dominions of the Emperor of *China*, and of trading in Tea, now enjoyed by the United Company of Merchants of *England* trading to the *East Indies*, will cease from and after the Twenty-second Day of *April* One thousand eight hundred and thirty-four: And whereas it is expedient that the Trade with *China*, and the Trade in Tea, should be open to all His Majesty’s Subjects, and that the Restrictions imposed on the Trade of His Majesty’s Subjects with Places beyond the *Cape of Good Hope* to the *Streights of Magellan*, for the Purpose of protecting the exclusive Rights of Trade heretofore enjoyed by the said Company, should be removed:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the said Twenty-second Day of *April* One thousand eight hundred and thirty-four an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to consolidate and amend the several Laws now in force with respect to Trade from and to Places within the Limits of the Charter of the East India Company, and to make further Provisions with respect to such Trade, and to amend an Act of the present Session of Parliament, for the registering of Vessels, so far as it relates to Vessels registered in India*, shall be repealed, except such Parts thereof as relate to *Asiatic* Sailors, *Lascars*, being Natives of the Territories under the Government of the *East India Company*, but so as not to revive any Acts or Parts of Acts by the said Act repealed; and except also as to such Voyages and Adventures as shall have been actually commenced

Repeal of the Act 4 G. 4. c. 80. except as herein mentioned.

commenced under the Authority of the said Act; and except as to any Suits and Proceedings which may have been commenced, and shall be depending on the said Twenty-second Day of *April* One thousand eight hundred and thirty-four; and from and after the said Twenty-second Day of *April* One thousand eight hundred and thirty-four the Enactments herein-after contained shall come into operation.

II. And be it further enacted, That so much of an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the general Regulation of the Customs*, as prohibits the Importation of Tea, unless from the Place of its Growth, and by the *East India* Company, and into the Port of *London*; and also so much of the said Act as prohibits the Importation into the United Kingdom of Goods from *China*, unless by the *East India* Company, and into the Port of *London*; and also so much of the said Act as requires that the Manifests of Ships departing from Places in *China* shall be authenticated by the Chief Super-cargo of the *East India* Company; and also that so much of another Act passed in the said Sixth Year of the Reign of His said late Majesty King *George* the Fourth, intituled *An Act to regulate the Trade of the British Possessions Abroad*, as prohibits the Importation of Tea into any of the *British* Possessions in *America*, and into the Island of *Mauritius*, except from the United Kingdom, or from some other *British* Possessions in *America*, and unless by the *East India* Company or with their Licence, shall be, from and after the Twenty-second Day of *April* One thousand eight hundred and thirty-four, repealed; and thenceforth (notwithstanding any Provision, Enactment, Matter, or Thing made for the Purpose of protecting the exclusive Rights of Trade heretofore enjoyed by the said Company, in any Charter of the said Company, in the said Act or any other Act of Parliament contained,) it shall be lawful for any of His Majesty's Subjects to carry on Trade with any Countries beyond the *Cape of Good Hope* to the *Streights of Magellan*.

III. Provided always, and be it enacted, That the Person having the Command of any Ship or Vessel arriving at any Place in the Possession of or under the Government of the said Company shall make out, sign, and deliver to the principal Officer of the Customs, or other Person thereunto lawfully authorized, a true and perfect List, specifying the Names, Capacities, and Description of all Persons who shall have been on board such Ship or Vessel at the Time of its Arrival; and if any Person having the Command of such Ship or Vessel shall not make out, sign, and deliver such List, he shall forfeit One hundred Pounds, one Half Part of which Penalty shall belong to such Person or Persons as shall inform or sue for the same, and the other Half Part to the said Company; and if the said Company shall inform or sue for the same, then the Whole of the said Penalty shall belong to the said Company.

IV. And be it enacted, That the Penalty or Forfeiture aforesaid shall be recoverable by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record in the United Kingdom of *Great Britain* and *Ireland*, and in *India* or elsewhere, or in any Courts in *India* to which Jurisdiction may hereafter be given by the Governor General of *India* in Council in that Behalf, to be commenced in the County, Presidency, Colony, or Settlement where the

Repeal of Prohibitions upon the Importation of Tea and Goods from *China*, imposed by 6 G. 4. c. 107. and 6 G. 4. c. 114.

All British Subjects may carry on Trade beyond the *Cape of Good Hope* to the *Streights of Magellan*.

List of Persons on board any Ship arriving in *India* to be delivered to Officers of Customs.

Penalty for Neglect, 100*l*.

Penalties how recoverable.

the Offender may happen to be; or by Conviction in a summary Way before Two Justices of the Peace in the United Kingdom, or, in *India*, of the County or Presidency where such Offender may happen to be; and upon such Conviction the Penalty or Forfeiture aforesaid shall and may be levied by Distress and Sale of the Goods and Chattels of the Offender; and for Want of such sufficient Distress every such Offender may be committed to the Common Gaol or House of Correction for the Space of Three Calendar Months.

Three Superintendents of the China Trade to be appointed.

V. ' And whereas it is expedient for the Objects of Trade and amicable Intercourse with the Dominions of the Emperor of *China* that Provision be made for the Establishment of a *British* Authority in the said Dominions;' be it therefore enacted, That it shall and may be lawful for His Majesty, by any Commission or Commissions or Warrant or Warrants under His Royal Sign Manual, to appoint not exceeding Three of His Majesty's Subjects to be Superintendents of the Trade of His Majesty's Subjects to and from the said Dominions, for the Purpose of protecting and promoting such Trade, and by any such Commission or Warrant as aforesaid to settle such Gradation and Subordination among the said Superintendents (One of whom shall be styled the Chief Superintendent), and to appoint such Officers to assist them in the Execution of their Duties, and to grant such Salaries to such Superintendents and Officers, as His Majesty shall from Time to Time deem expedient.

His Majesty in Council may issue Orders and Commissions to have force in China;

and issue Regulations touching the Trade;

and create a Court of Justice for Trial of Offences in that Part.

VI. And be it enacted, That it shall and may be lawful for His Majesty, by any such Order or Orders, Commission or Commissions, as to His Majesty in Council shall appear expedient and salutary, to give to the said Superintendents, or any of them, Powers and Authorities over and in respect of the Trade and Commerce of His Majesty's Subjects within any Part of the said Dominions; and to make and issue Directions and Regulations touching the said Trade and Commerce, and for the Government of His Majesty's Subjects within the said Dominions; and to impose Penalties, Forfeitures, or Imprisonments for the Breach of any such Directions or Regulations, to be enforced in such Manner as in the said Order or Orders shall be specified; and to create a Court of Justice with Criminal and Admiralty Jurisdiction for the Trial of Offences committed by His Majesty's Subjects within the said Dominions, and the Ports and Havens thereof, and on the High Seas within One hundred Miles of the Coast of *China*; and to appoint One of the Superintendents herein-before mentioned to be the Officer to hold such Court, and other Officers for executing the Process thereof; and to grant such Salaries to such Officers as to His Majesty in Council shall appear reasonable.

Superintendents, &c. not to accept Gifts, or to trade.

VII. And be it enacted, That no Superintendent or Commissioner appointed under the Authority of this Act shall accept for or in discharge of his Duties any Gift, Donation, Gratuity, or Reward, other than the Salary which may be granted to him as aforesaid, or be engaged in any Trade or Traffic for his own Benefit, or for the Benefit of any other Person or Persons.

A Tonnage Duty to be imposed, to be appropriated towards defraying the Expence

VIII. And be it enacted, That it shall be lawful for His Majesty, by and with the Advice of His Privy Council, by any Order or Orders to be issued from Time to Time, to impose, and to empower such Persons as His Majesty in Council shall think fit to collect and levy from or on account of any Ship or Vessel belonging to any of the Subjects

Subjects of His Majesty entering any Port or Place where the said Superintendents or any of them shall be stationed, such Duty on Tonnage and Goods as shall from Time to Time be specified in such Order or Orders, not exceeding in respect of Tonnage the Sum of Five Shillings for every Ton, and not exceeding in respect of Goods the Sum of Ten Shillings for every One hundred Pounds of the Value of the same, the Fund arising from the Collection of which Duties shall be appropriated, in such Manner as His Majesty in Council shall direct, towards defraying the Expences of the Establishments by this Act authorized within the said Dominions: Provided always, that every Order in Council issued by Authority of this Act shall be published in the *London Gazette*; and that every such Order in Council, and the Amount of Expence incurred, and of Duties raised under this Act, shall be annually laid before both Houses of Parliament.

of Establish-
ments in China.

IX. And be it enacted, That if any Suit or Action shall be brought against any Person or Persons for any thing done in pursuance of this Act, then and in every such Case such Action or Suit shall be commenced or prosecuted within Six Months after the Fact committed, and not afterwards, except where the Cause of Action shall have arisen in any Place not within the Jurisdiction of any of His Majesty's Courts having Civil Jurisdiction, and then within Six Months after the Plaintiff or Plaintiffs and Defendant or Defendants shall have been within the Jurisdiction of any such Court; and the same and every such Action or Suit shall be brought in the County or Place where the Cause of Action shall have arisen, and not elsewhere, except where the Cause of Action shall have arisen in any Place not within the Jurisdiction of any of His Majesty's Courts having Civil Jurisdiction; and the Defendant or Defendants shall be entitled to the like Notice, and shall have the like Privilege of tendering Amends to the Plaintiff or Plaintiffs, or their Agent or Attorney, as is provided in Actions brought against any Justice of the Peace for Acts done in the Execution of his Office by an Act passed in the Twenty-fourth Year of the Reign of King George the Second, intituled *An Act for the rendering Justices of the Peace more safe in the Execution of their Office, and for indemnifying Constables and others acting in obedience to their Warrants*; and the Defendant or Defendants in every such Action or Suit may plead the General Issue, and give the special Matter in Evidence; and if the Matter or Thing complained of shall appear to have been done under the Authority and in execution of this Act, or if any such Action or Suit shall be brought after the Time limited for bringing the same, or be brought and laid in any other County or Place than the same ought to have been brought or laid in as aforesaid, then the Jury shall find for the Defendant or Defendants; and if the Plaintiff or Plaintiffs shall become Nonsuit, or discontinue any Action after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer Judgment shall be taken against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and have the like Remedy for Recovery thereof as any Defendant or Defendants hath or have in any Cases of Law.

Limitation of
Actions.

42 G. 2. c. 44.

General Issue.

If Action
brought after
Time limited,
&c.

Treble Costs.

CAP. XCIV.

829 1/2 105
13,
An Act for the Regulation of the Proceedings and Practice of certain Offices of the High Court of Chancery in England. [28th August 1833.]

2 & 3 W. 4. c. 111.

Offices
abolished.Six Registrars
appointed.Filling up of
Vacancies.

‘ WHEREAS by an Act passed in the Second and Third Years of the Reign of His present Majesty, intituled *An Act to abolish certain Sinecure Offices connected with the Court of Chancery, and to make Provision for the Lord High Chancellor on his Retirement from Office*, it was enacted, that the Offices of the Patentee of the Subpoena Office and the Registrar of Affidavits, amongst others, should cease from and after the Twentieth Day of August One thousand eight hundred and thirty-three, except as to any Person appointed to any such Office on or before the First Day of June then last: And whereas the Patentee of the Subpoena Office was appointed before that Date: And whereas it is necessary that Provision should be made for the due Performance of the Duties to such Offices belonging; and it is expedient that other Offices connected with the said Court should be regulated, and that others should be abolished, and that such of the Duties performed in the Offices so to be abolished as are necessary to be continued should be transferred to other Offices; and that the Costs and Expences of Proceedings in the said Court should be diminished, and that increased Facilities should be afforded for the Dispatch of Business therein:’ Therefore be it enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Office of Master of the Report Office, and the Offices of Entering Clerks or Entering Registrars of the said Court, and of Clerk of the Exceptions, and Agent to the Senior Deputy Registrar of the same Court, as the same have been heretofore held, shall be and the same are hereby abolished.

II. ‘ And whereas it is expedient that the Sub or Deputy Registrars of the said Court should be constituted Registrars of the said Court, and that the Fees and Emoluments to be received by the said Registrars and by the Clerks in the Office of the said Registrars should be regulated, and that the Business of the Suitors of the Court in the Office of the Registrars should be facilitated and expedited;’ therefore be it enacted, That hereafter there shall be Six Registrars of the said Court; and that *Francis Benjamin Bedwell, James Christmas Fry, Edward Dod Colville, and Joseph Collis*, Esquires, the present Four Sub or Deputy Registrars, and *John Francis Le Cointe* and *Robert Onebye Walker* Esquires, the Two present Entering Clerks, shall be such Six Registrars; and that on the Death, Resignation, or Removal of any of the Six Registrars of the said Court, other than the junior Registrar, the Vacancy thereby occasioned shall be filled up by the Registrar next in Seniority, to whom no sufficient Objection to the Satisfaction of the Lord Chancellor shall be made; and that on the Death, Resignation, Promotion, or Removal of the junior Registrar, the Vacancy thereby occasioned shall be filled up by the senior Clerk in the said Office for the Time being, to whom no sufficient Objection to the Satisfaction

Satisfaction of the Lord Chancellor shall be made; and that each of such Persons so appointed to be Registrars, and all and every Person and Persons hereafter to be appointed to be such Registrars, shall be and are hereby authorized and empowered and required personally to do and perform all such Matters and Things necessary and proper in the due Execution of their said Offices as belong or appertain thereto, and as have been heretofore done and performed by the Sub or Deputy Registrars of the said Court, excepting so far as the same are or shall be altered or varied by this Act, or by any Rules or Orders to be made or issued by the Lord Chancellor for the Time being relative thereto.

III. And be it further enacted, That the Registrars shall attend the Court of the Lord Chancellor, the Court of the Master of the Rolls, and the Court of the Vice Chancellor, in such Order and Manner as shall be found most expedient for furthering the Business of the Court, and as the Lord Chancellor, with the Concurrence of the Master of the Rolls and the Vice Chancellor, or One of them, shall from Time to Time by any general Order direct; and that in case of Illness it shall be lawful for any of such Registrars, from Time to Time as Occasion may require, to appoint a Deputy, such Deputy and also the Occasion for such Appointment to be first approved by the Judge on whom it shall be the Duty of such Registrar to attend, upon a Petition to be verified by Affidavit, for such Time and under such general Regulations as the Lord Chancellor, together with the Master of the Rolls and Vice Chancellor, or One of them, shall direct; and no such Appointment of a Deputy shall continue for any longer Time than shall be allowed and specified in and by the Order which shall be made by the Judge to whom such Petition shall have been presented; provided that in case any Registrar of the said Court who shall be prevented by Illness from giving his personal Attendance shall omit for the Space of Two Days to appoint such Deputy, the Judge on whom it shall be the Duty of such Registrar to attend shall, if he shall see fit, himself appoint such Deputy, and direct what Part of the Salary and Fees of such Registrar shall be received by such Deputy, and the same shall be paid over to and received by him accordingly.

Registrars to attend each Judge of the Court as the Lord Chancellor, &c. shall direct;

In case of Illness, they may appoint a Deputy.

IV. And be it further enacted, That there shall be Six Clerks to the Registrars of the said Court; and that *Henry Edgeworth Bicknell, James Montresor Standen, Henry Hussey, Francis Robert Bedwell, Cecil Munro, and Edward Dodd Colville junior* shall be such Clerks; and that on the Death, Resignation, Promotion, or Removal of any of them the said Clerks, other than the junior Clerk, the Vacancy thereby occasioned shall be filled up by the Clerk next in Seniority, to whom no sufficient Objection to the Satisfaction of the Lord Chancellor shall be made.

Clerks to the Registrars appointed.

V. And be it further enacted, That on all future Vacancies of the Office of Sixth Clerk to the said Registrars, other than in the Cases provided for of the Assistant Clerks, the Lord Chancellor for the Time being shall appoint some proper Person who has been admitted and entered on the Roll of Solicitors or Attornies of some one of His Majesty's Courts in *Westminster Hall*, or who shall have duly served a Term of not less than Five Years under Articles of Clerkship to some Solicitor or Attorney of some one of the said Courts, to be such Sixth Clerk to the said Registrars; and that

Mode of future Appointment of Sixth Clerk.

the several Clerks to the said Registrars so appointed and to be appointed shall and they are hereby required personally to perform all such Matters and Things as are necessary and proper in the due Execution of the Business of the said Office of the Registrars, and as have been hitherto done and performed by the Clerks of the Sub or Deputy Registrars of the said Court, excepting so far as the same are or shall be varied by this Act, or by any Rules or Orders to be made or issued by the Lord Chancellor for the Time being relative thereto.

Assistant Clerks
to Registrars.

VI. And be it further enacted, That *Robert Walker Fry* and *Richard Howell Leach* shall act as Assistant Clerks to the before-named Registrars, and that the said *Robert Walker Fry* and *Richard Howell Leach*, each in his Turn, shall succeed to the Office of junior Clerk of the said Registrars as and when Vacancies shall occur, unless Cause shall be shown to the contrary to the Satisfaction of the Lord Chancellor; but no Clerk shall be appointed to supply the Place of the said *Robert Walker Fry* and *Richard Howell Leach*, or either of them.

Lord Chancellor
may increase
Number of
Clerks in Regis-
ter Office to
Eight.

VII. And be it enacted, That if it shall hereafter appear to the Lord Chancellor that the Business of the said Registrar's Office cannot be discharged with due Dispatch without more than Six Clerks, then and in such Case it shall be lawful for the Lord Chancellor from Time to Time to appoint One or more additional Clerk or Clerks, so that the Number of Clerks in the said Office shall in no Case exceed the Number of Eight Clerks; and such additional Clerk or Clerks shall succeed to and fill any Vacancy when and as the same may occur by any Death, Resignation, Promotion, or Removal of any other Clerk, in the same Manner as the Right of Succession is given to the said before-named Clerks and Assistant Clerks.

Master of Re-
ports and En-
tries appointed.

VIII. And be it further enacted, That there shall be an Officer to be called "The Master of Reports and Entries," to which Office the said several Registrars and the Six senior Clerks to the said Registrars shall, in the Event of a Vacancy in the said Office, according to their Seniority, be entitled to succeed; but any such Registrar or Clerk so taking such Office shall vacate his Office of Registrar or Clerk, and shall not thereafter be entitled to fill either of such Offices, or to succeed any other Registrar or Clerk; and in the Event of the said Registrars and senior Clerks declining to accept such Office upon any Vacancy, the same shall be filled by the Nomination from Time to Time of the Lord Chancellor; and the Duties heretofore performed by the Master of the Report Office, by the Entering Registrars or Entering Clerks, and by the Clerk of the Exceptions of the said Court, so far as it shall be found necessary or expedient to continue such Duties, shall be performed by the said Master of Reports and Entries in such Manner and under such Rules and Regulations as the Lord Chancellor, together with the Master of the Rolls and Vice Chancellor, or One of them, shall, by any general Rules or Orders to be issued by them, direct or appoint; and the said Master of Reports and Entries shall receive and account for, in manner herein-after mentioned, all the Fees heretofore receivable by the said Master of the Report Office, the Entering Clerks or Entering Registrars, and the said Clerk of the Exceptions.

IX. And

IX. And be it further enacted, That there shall be in the Office of the said Master of Reports and Entries, and subject to his Direction, a Clerk, to be called the Clerk of Reports; Two Clerks, to be called Clerks of Entries; and Ten Clerks of Accounts; that *John Henry Standen*, now acting as Agent to the Master of the Report Office, shall be such Clerk of Reports; that *John Reid* and *Edward Reid*, now acting as Clerks to the Entering Registrars, shall be such Clerks of Entries; and that *William Lampert*, *Jonathan Williams White*, *Edward Johnson*, *John Reid*, *Thomas Augustus Gale*, *Godfrey Marsden*, *Henry Frederick White*, *John Crump Routledge*, and *Charles Routledge*, now acting as Clerks of Accounts in the said Office, shall be continued in the said Offices, and that one other such Clerk shall be appointed by the Lord Chancellor; and that on the Death, Resignation, Promotion, or Removal of any of the said Clerks of Accounts in the said Office, or their Successors, other than the junior Clerk, the Vacancy thereby occasioned shall be filled up by the Clerk next in Seniority, against whom no Objection to the Satisfaction of the Lord Chancellor shall be made; and that in the Event of a Vacancy happening by the Death, Resignation, Promotion, or Removal of the junior Clerk, the Lord Chancellor shall from Time to Time appoint some proper Person to be such junior Clerk; and the said Lord Chancellor shall also appoint a Successor in the Event of a Vacancy of the Clerk of Reports and of either Clerk of Entries.

Clerks in the Office of the Master of Reports and Entries.

X. And be it further enacted, That any Person shall be at liberty to take an Office Copy of so much only of any Decree, Order, Report, or Exceptions as he may require; and that, unless the Court shall otherwise specially direct, no Recitals shall be introduced in any Decree or Order of the said Court, but the Pleadings, Petition, Notice, Report, Evidence, Affidavits, Exhibits, or other Matters or Documents on which such Decrees and Orders shall be founded shall merely be referred to; and it shall be lawful for the Lord Chancellor, if he shall think fit, together with the Master of the Rolls and Vice Chancellor, or One of them, to make and issue such Rules and Regulations as to the Form of such Decrees and Orders as he may deem necessary or proper for the proper drawing up of such Decrees and Orders, and carrying into effect the Provisions of this Act in regard thereto.

As to Copies of Decrees, &c.

No Recitals to be introduced in Decrees and Orders.

XI. And be it further enacted, That there shall be an Officer, to be called The Clerk of the Affidavits, who shall do and perform all the Duties heretofore done and performed by the Registrar of Affidavits, and shall receive and account for, in manner herein-after mentioned, all such Fees as were heretofore receivable by the said Registrar of Affidavits; and that there shall be an Assistant Clerk to the said Clerk of the Affidavits; and that such Clerk of the Affidavits and Assistant Clerk shall be from Time to Time appointed by the Lord Chancellor.

Clerk of Affidavits.

Assistant Clerk.

XII. And be it further enacted, That from and after the Death, Resignation, or Removal from his Office of the present Patentee of the Subpœna Office, all the Duties of such Office shall be performed by the said Clerk of the Affidavits, who shall thereupon receive and account for, in manner herein-after mentioned, all the Fees now receivable by the said Patentee.

Patentee of Subpœna Office.

XIII. And be it further enacted, That the Masters in Ordinary of the High Court of Chancery shall hear and determine all Applications

Master to hear certain Interlocutory Masters.

the several Clerks to the said Registrars so appointed and to be appointed shall and they are hereby required personally to perform all such Matters and Things as are necessary and proper in the due Execution of the Business of the said Office of the Registrars, and as have been hitherto done and performed by the Clerks of the Sub or Deputy Registrars of the said Court, excepting so far as the same are or shall be varied by this Act, or by any Rules or Orders to be made or issued by the Lord Chancellor for the Time being relative thereto.

Assistant Clerks
to Registrars.

VI. And be it further enacted, That *Robert Walker Fry* and *Richard Howell Leach* shall act as Assistant Clerks to the before-named Registrars, and that the said *Robert Walker Fry* and *Richard Howell Leach*, each in his Turn, shall succeed to the Office of junior Clerk of the said Registrars as and when Vacancies shall occur, unless Cause shall be shown to the contrary to the Satisfaction of the Lord Chancellor; but no Clerk shall be appointed to supply the Place of the said *Robert Walker Fry* and *Richard Howell Leach*, or either of them.

Lord Chancellor
may increase
Number of
Clerks in Regis-
ter Office to
Eight.

VII. And be it enacted, That if it shall hereafter appear to the Lord Chancellor that the Business of the said Registrar's Office cannot be discharged with due Dispatch without more than Six Clerks, then and in such Case it shall be lawful for the Lord Chancellor from Time to Time to appoint One or more additional Clerk or Clerks, so that the Number of Clerks in the said Office shall in no Case exceed the Number of Eight Clerks; and such additional Clerk or Clerks shall succeed to and fill any Vacancy when and as the same may occur by any Death, Resignation, Promotion, or Removal of any other Clerk, in the same Manner as the Right of Succession is given to the said before-named Clerks and Assistant Clerks.

Master of Re-
ports and En-
tries appointed.

VIII. And be it further enacted, That there shall be an Officer to be called "The Master of Reports and Entries," to which Office the said several Registrars and the Six senior Clerks to the said Registrars shall, in the Event of a Vacancy in the said Office, according to their Seniority, be entitled to succeed; but any such Registrar or Clerk so taking such Office shall vacate his Office of Registrar or Clerk, and shall not thereafter be entitled to fill either of such Offices, or to succeed any other Registrar or Clerk; and in the Event of the said Registrars and senior Clerks declining to accept such Office upon any Vacancy, the same shall be filled by the Nomination from Time to Time of the Lord Chancellor; and the Duties heretofore performed by the Master of the Report Office, by the Entering Registrars or Entering Clerks, and by the Clerk of the Exceptions of the said Court, so far as it shall be found necessary or expedient to continue such Duties, shall be performed by the said Master of Reports and Entries in such Manner and under such Rules and Regulations as the Lord Chancellor, together with the Master of the Rolls and Vice Chancellor, or One of them, shall, by any general Rules or Orders to be issued by them, direct or appoint; and the said Master of Reports and Entries shall receive and account for, in manner herein-after mentioned, all the Fees heretofore receivable by the said Master of the Report Office, the Entering Clerks or Entering Registrars, and the said Clerk of the Exceptions.

IX. And

IX. And be it further enacted, That there shall be in the Office of the said Master of Reports and Entries, and subject to his Direction, a Clerk, to be called the Clerk of Reports; Two Clerks, to be called Clerks of Entries; and Ten Clerks of Accounts; that *John Henry Standen*, now acting as Agent to the Master of the Report Office, shall be such Clerk of Reports; that *John Reid* and *Edward Reid*, now acting as Clerks to the Entering Registrars, shall be such Clerks of Entries; and that *William Lampert*, *Jonathan Williams White*, *Edward Johnson*, *John Reid*, *Thomas Augustus Gale*, *Godfrey Marsden*, *Henry Frederick White*, *John Crump Routledge*, and *Charles Routledge*, now acting as Clerks of Accounts in the said Office, shall be continued in the said Offices, and that one other such Clerk shall be appointed by the Lord Chancellor; and that on the Death, Resignation, Promotion, or Removal of any of the said Clerks of Accounts in the said Office, or their Successors, other than the junior Clerk, the Vacancy thereby occasioned shall be filled up by the Clerk next in Seniority, against whom no Objection to the Satisfaction of the Lord Chancellor shall be made; and that in the Event of a Vacancy happening by the Death, Resignation, Promotion, or Removal of the junior Clerk, the Lord Chancellor shall from Time to Time appoint some proper Person to be such junior Clerk; and the said Lord Chancellor shall also appoint a Successor in the Event of a Vacancy of the Clerk of Reports and of either Clerk of Entries.

Clerks in the Office of the Master of Reports and Entries.

X. And be it further enacted, That any Person shall be at liberty to take an Office Copy of so much only of any Decree, Order, Report, or Exceptions as he may require; and that, unless the Court shall otherwise specially direct, no Recitals shall be introduced in any Decree or Order of the said Court, but the Pleadings, Petition, Notice, Report, Evidence, Affidavits, Exhibits, or other Matters or Documents on which such Decrees and Orders shall be founded shall merely be referred to; and it shall be lawful for the Lord Chancellor, if he shall think fit, together with the Master of the Rolls and Vice Chancellor, or One of them, to make and issue such Rules and Regulations as to the Form of such Decrees and Orders as he may deem necessary or proper for the proper drawing up of such Decrees and Orders, and carrying into effect the Provisions of this Act in regard thereto.

As to Copies of Decrees, &c.

No Recitals to be introduced in Decrees and Orders.

XI. And be it further enacted, That there shall be an Officer, to be called The Clerk of the Affidavits, who shall do and perform all the Duties heretofore done and performed by the Registrar of Affidavits, and shall receive and account for, in manner herein-after mentioned, all such Fees as were heretofore receivable by the said Registrar of Affidavits; and that there shall be an Assistant Clerk to the said Clerk of the Affidavits; and that such Clerk of the Affidavits and Assistant Clerk shall be from Time to Time appointed by the Lord Chancellor.

Clerk of Affidavits.

Assistant Clerk.

XII. And be it further enacted, That from and after the Death, Resignation, or Removal from his Office of the present Patentee of the Subpoena Office, all the Duties of such Office shall be performed by the said Clerk of the Affidavits, who shall thereupon receive and account for, in manner herein-after mentioned, all the Fees now receivable by the said Patentee.

Patentee of Subpoena Office.

XIII. And be it further enacted, That the Masters in Ordinary of the High Court of Chancery shall hear and determine all Applications

Master to hear certain Interlocutory Matters.

subject to
Appeal;

plications for Time to plead, answer, or demur, and for Leave to amend Bills, and for enlarging Publication, and all such other Matters relating to the Conduct of Suits in the said Court as the Lord Chancellor, with the Advice and Assistance of the Master of the Rolls and Vice Chancellor, or One of them, shall by any general Order or Orders direct, in such Manner and under such Rules and Regulations as by any general Order or Orders to be also issued by the Lord Chancellor, with the Advice and Assistance aforesaid, shall be directed; and that it shall be lawful for either Party to appeal by Motion from the Order made on such Application to the Lord Chancellor, Master of the Rolls, or Vice Chancellor, and that the Order made on such Appeal shall be final and conclusive.

but not the
Court, except
on Appeal.

XIV. And be it enacted, That no such Application as above mentioned shall in future be heard by any of the Judges of the said Court of Chancery, except on Appeal as herein-before provided.

Costs on Inter-
locutory
Matters.

XV. And be it enacted, That it shall be lawful for the said Masters, on all Applications made to them by virtue of this Act, to direct that the Costs of all or any of the Parties shall be Costs in the Cause or Matter, or to award such liquidated Sum by way of Costs to any of the Parties as they shall think reasonable; and the Costs so awarded shall be recoverable in like Manner as Costs directed to be paid by an Order of the Court of Chancery.

Masters to be
hereafter
appointed by
the King by
Letters Patent.

XVI. And be it enacted, That the Appointment of all Masters in Ordinary of the High Court of Chancery, other than the Accountant General of the said Court, shall be vested in His Majesty, His Heirs and Successors, and that such Master shall hereafter be appointed by Letters Patent under the Great Seal of *Great Britain*, and shall take the usual Oaths before the Lord Chancellor, in like Manner as such Oaths have been heretofore administered.

Masters of the
Court of Chan-
cery to report
yearly to the
Lord Chan-
cellor;

XVII. And be it further enacted, That each of the said Masters in Ordinary of the High Court of Chancery shall within the First Four Days of *Michaelmas* Term in each and every Year present or cause to be presented to the Lord Chancellor a Report in Writing under the Hand of such Master, stating the Days on which he shall have attended at his Office for and during Twelve Months preceding such Return in the Performance of his Duty, specifying the Number of Hours occupied in each of such Day's Attendance as aforesaid; and further, that each such Master shall annex to such his Report a List or Schedule, to be signed by him in like Manner, of the several Causes, Petitions, or Matters of every Description then pending in his Office, showing the then State and Stage of the same respectively, designating each Cause, Petition, or Matter by the Name or Names of the Party or Parties thereto, or some of them, with the Name or Names of each Solicitor engaged therein; and thereupon it shall be lawful for the said Lord Chancellor to make and issue such Order for filing or depositing and otherwise giving Publicity and Access to such List or Schedule as he in his Discretion shall think fit.

and annex to
such Report a
List of Causes
then pending in
his Office.

As to the Person
to be appointed
Chief Clerk.

XVIII. And be it further enacted, That no Person shall be appointed to be Chief Clerk of any Master in Ordinary of the said Court unless he shall have been admitted on the Roll of Solicitors or Attornies in one of the Courts of *Westminster Hall* for not less than

than Five Years, or shall have been a junior Clerk in the Office of one of the said Masters for a Term of Ten Years.

XIX. And be it further enacted, That no Person shall be compelled or required to take or pay for any Copy of any Paper or Document being in the Office of any Master in Ordinary; and that every Person shall be at liberty to take a Copy of such Part only as he may require of any Paper or Document being in the Office of any such Master, and of any Interrogatories and Depositions being in the Office of either of the Examiners of the said Court: Provided always, that in the Taxation of Costs as between Party and Party, or as between Solicitor and Client, no Person be allowed the Costs of the Copy of any Paper or Document, or of any Part of any Paper or Document, originating in the Master's Office, or brought in before a Master, unless such Copy shall have been either made in the Master's Office, or transcribed from a Copy made therein, and taken by the Party claiming to be allowed the Costs of such Second or other Copy, or unless such Copy shall have been made for the Use of any Master, or of the Court, or by the Desire or for the Use of the Client or Clients of the Solicitor claiming to be paid for such Copy.

Suitors not
compellable to
take Copies.

XX. And be it further enacted, That each and every of the Masters in Ordinary, Registrars, and Clerks of the said Registrars, Master of Reports and Entries, Clerk of Affidavits, and Examiners of the said Court, shall hold their said Offices during their good Behaviour, and so long as they shall personally give their Attendance upon their respective Duties, and shall conduct themselves honestly and faithfully in the due Execution of the Duties of their said Offices respectively.

Officers and
Clerks to hold
their Offices
during good
Behaviour.

XXI. And be it further enacted, That the several Offices of the High Court of Chancery shall be and continue open for the Dispatch of Business during such Hours in the Day, and that the Officers and Clerks belonging thereto respectively shall attend in such Offices in the Discharge of their several Duties during such Times and for such Number of Hours in each Day, as the Lord Chancellor, together with the Master of the Rolls and Vice Chancellor, or One of them, shall by any Order or Orders to be issued by them from Time to Time direct; and that the Officers and Clerks in the said respective Offices shall give their personal Attendance in their respective Offices during the Times they shall so as aforesaid be directed to attend, unless otherwise engaged in the Business of their respective Offices, or prevented by Sickness or other unavoidable Cause.

Hours of Business in the
several Offices.

XXII. And be it further enacted, That it shall and may be lawful for the Lord Chancellor, with the Advice of the Master of the Rolls and Vice Chancellor, or One of them, and they are hereby required, forthwith to make and issue such general Orders as they shall think fit for carrying the Provisions of this Act into execution, and such other Rules and Orders, not being inconsistent with the Enactments and Provisions of this Act, as they shall think fit and proper, for simplifying, establishing, and settling the Course of Practice of the said Court and of its several Offices.

Lord Chancellor
empowered to
make Rules for
simplifying and
settling the
Practice of the
Court;

XXIII. And be it enacted, That the Lord Chancellor, with the like Advice of the Master of the Rolls and Vice Chancellor, or One of them, shall be and is hereby authorized and empowered, by the like general Orders to be made and issued by them as aforesaid,

and to annul or
alter the same.

said, from Time to Time to annul, alter, or vary any Orders which may have been so as aforesaid made and issued, and to issue new Rules and Orders for the Purposes herein-before mentioned, or any of them.

Master of the Rolls to determine Motions arising in the High Court of Chancery.

XXIV. And be it further enacted, That it shall be lawful for the Master of the Rolls for the Time being, and he is hereby required, to hear and determine all such Motions arising in Causes depending in the High Court of Chancery as shall be duly made before him according to the Usage and Practice of making Motions in Causes before the Lord Chancellor, and to hear and determine all such Pleas and Demurrers filed in Causes depending in the High Court of Chancery as shall be duly set down for hearing before him; and that all Orders made by the said Master of the Rolls for the Time being upon the hearing of such Motions, Pleas, and Demurrers respectively shall be deemed and taken to be respectively valid Orders of the High Court of Chancery; subject nevertheless in every Case to be discharged, reversed, or altered by the Lord Chancellor for the Time being.

Exception as to present Master of Rolls.

XXV. Provided also, and be it further enacted, That nothing herein contained shall be construed to require the present Master of the Rolls to hear and determine any such Motions, Pleas, or Demurrers, unless he shall think fit to give Directions for that Purpose.

Solicitors appointed to any Office under this Act to be struck off the Rolls.

XXVI. And be it further enacted, That every Solicitor or Attorney who shall be appointed to and shall accept any Office or Employment under or by virtue of this Act shall forthwith be struck off the Roll of Solicitors of the High Court of Chancery, and off the Roll of Attornies of any of His Majesty's Courts of Record at *Westminster*, on which his Name may be.

Examiners authorized to administer Oaths to Witnesses.

XXVII. And be it further enacted, That the Examiners of the High Court of Chancery shall be and they are hereby authorized and empowered to administer the usual and accustomed Oaths, and to take the usual Affirmations of the Witnesses examined before them; and that all Depositions of Witnesses examined in the High Court of Chancery shall hereafter be taken in the First Person; and the said Examiners shall receive and account for, in manner herein-after mentioned, all the Fees heretofore receivable by the said Examiners or their Clerks.

Vacancies in Six Clerks Office not to be filled up until the Number is reduced to Two.

XXVIII. And be it enacted, That as Vacancies may occur in the Office of Six Clerks of the said Court, such Vacancies shall not be filled up until the Number of such Six Clerks be reduced to Two Clerks, and that such Two Clerks shall have all the Rights and Privileges and perform all the Duties heretofore had and performed by the Six Clerks, whether as Clerks of the Inrolment of the High Court of Chancery, or otherwise, until it shall be otherwise provided by Act of Parliament; and when and as often as any One or more of the Six Clerks, other than the Two Clerks to be continued as aforesaid, shall die, or resign, or be removed from his Office, all Fees and Emoluments which would have accrued to any such Six Clerk or Six Clerks if he or they had lived and continued in Office shall be received by and be accounted for on Oath (such Oath to be administered by One of the Masters of the said Court), and be paid by the surviving or continuing Six Clerks into the Bank of *England*, to the Credit of the Accountant General of the

said Court, to be by him placed to the Credit of an Account to be intituled "The Suitors Fee Fund Account."

XXIX. And be it further enacted, That no Clerk shall be articulated to any Sworn Clerk or Writing Clerk of the said Court at any Time between the passing of this Act and the First Day of *May* next.

Restraint on
Sworn Clerk.

XXX. And be it further enacted, That the Powers and Authorities given by this Act to the Lord High Chancellor shall and may be exercised in like Manner and are hereby given to the Lord Keeper or Lords Commissioners for the Custody of the Great Seal respectively for the Time being.

As to the
Powers given to
the Lord Chan-
cellor.

XXXI. And be it enacted, That the Patentee of the Subpoena Office shall forthwith provide a Seal, in such Form and with such Impression as the Lord Chancellor shall approve of; and that the Lord Chancellor for the Time being may cause such Seal or Impression to be varied from Time to Time as to him may seem fit; and that any Person desirous of issuing a Writ of Subpoena, such as has been heretofore issued by such Patentee, may prepare such Subpoena, and present the same for sealing, and the same shall henceforth be an open Writ, and either in the present Form or in any other Form which the Lord Chancellor may from Time to Time direct; and such Writ shall, upon Presentment thereof for that Purpose, be forthwith sealed with such Seal, and shall have the same Force and Validity as a Writ of Subpoena now has when sealed with the Great Seal; and there shall hereafter be paid for each such Subpoena, on the same being sealed, the Sum of Five Shillings and Sixpence, which Sum shall be received by the Patentee of the Subpoena Office until his Death, or Resignation of or Removal from his said Office, who, out of each Sum so to be received by him, shall pay to the Receiver of the Sixpenny Writ Duty the Sum of Sixpence, to the Chaff Wax and his Deputy, for their equal Use, the Sum of Two-pence, and to the Sealer attached to the Great Seal and his Deputy, for their equal Use, the like Sum of Two-pence; and from and after the Death, Resignation, or Removal of the present Patentee, such Writs of Subpoena shall be sealed by the said Clerk of the Affidavits, who shall thenceforth receive the same Sum of Five Shillings and Sixpence, and after discharging the like Fees and Outgoings to the several before-mentioned Officers shall pay what may remain to the said Accountant General, to be by him placed to the Credit of the said Account entitled "The Suitors Fee Fund Account."

New Mode of
issuing Sub-
poenas.

XXXII. And be it further enacted, That the several annual Sums or yearly Payments provided for and directed to be paid to the Sub or Deputy Registrars of the High Court of Chancery for the Time being, and their Clerks in the same Office, and to the Master of the Report Office and his Clerks, by any Act or Acts of Parliament whatsoever now in force, shall cease.

Annual Sums
paid to Deputy
Registrars, &c.
to cease.

XXXIII. And be it further enacted, That there shall be paid by the said Accountant General, out of the Fund to be placed to his Account, to be entitled "The Suitors Fee Fund Account," to the several Officers named in the Schedule hereunder written, the several Salaries or yearly Sums set opposite to their respective Names or Titles in such Schedule, and that such Salaries or yearly Sums shall be payable and paid by equal quarterly Payments on the

Salaries to
Officers.

the Twenty-fifth Day of *February*, the Twenty-fifth Day of *May*, the Twenty-fifth Day of *August*, and the Twenty-fifth Day of *November* in every Year, the first of such quarterly Payments to be made on the Twenty-fifth Day of *February* One thousand eight hundred and thirty-four.

Proportion of
Salaries to
Representatives
of deceased
Officers.

XXXIV. And be it further enacted, That in the Event of the Death, Resignation, or Removal of the Masters in Ordinary or their Clerks, or of any Officer to be appointed or continued by virtue of this Act, in the Interval between any of the quarterly Days of Payment on which his Salary is hereby made payable, the Officer so resigning or being removed, or the Executors or Administrators of the Officer so dying, shall be entitled to receive and shall be paid such proportionate Part of his said Salary as shall have accrued from the next preceding quarterly Day of Payment to the Day of such Death, Resignation, or Removal; and the Person next in Succession to any such Officer shall be entitled to receive and be paid such Portion of the said Salary as shall have accrued and may accrue from the Day of such Death, Resignation, or Removal as aforesaid to the next succeeding quarterly Day of Payment.

First Payment
to Clerk of
Affidavits.

XXXV. And be it further enacted, That there shall be paid by the said Accountant General, out of the like Fund, the Sum of One hundred and twenty-five Pounds to the said Clerk of the Affidavits, and the Sum of Thirty-seven Pounds Ten Shillings to the said Assistant Clerk of the Affidavits, for and in lieu of their respective Salaries, from the passing of this Act to the Twenty-fifth Day of *November* following.

Provision in
case of Surplus
or Deficiency in
Fee Fund.

XXXVI. And be it further enacted, That if at the End of any Year there shall be a Surplus standing to the Credit of the said Account entitled "The Suitors Fee Fund Account," after Payment of the several Salaries or Sums of Money hereby charged thereon, it shall be lawful for the Lord Chancellor, by any Order or Orders of the said Court of Chancery, to direct that any Surplus which may remain on the said Account to be entitled "The Suitors Fee Fund Account," after paying the several Salaries or Sums of Money hereby charged thereon, or such Part thereof as to the said Lord Chancellor shall seem fit, shall be invested in the Purchase of Parliamentary or Government Securities, in the Name of the said Accountant General, to be placed to an Account to be entitled "Account of Monies placed out to provide for the Officers of the High Court of Chancery;" and it shall be lawful for the Lord Chancellor in like Manner to direct the Investment of the Dividends or Interest to accrue from Time to Time on such last-mentioned Securities, or so much of such Dividends and Interest as he shall think fit, in the Purchase of Parliamentary or Government Securities, in the Name of the said Accountant General, to be by him placed to the Credit of the said last-mentioned Account; and in the Event of there being a Deficiency in the said Account to be entitled "The Suitors Fee Fund Account," at any of the Times hereby appointed for Payment of the Salaries herein-before mentioned, to raise and pay the several Sums then due, it shall be lawful for the Lord Chancellor to direct the said Accountant General from Time to Time to make good such Deficiency, as often as the same shall arise, by carrying over and placing to the said Account to be entitled "The Suitors

Fee Fund Account" a Sum sufficient for that Purpose out of the Interest and Dividends to arise from the Government or Parliamentary Securities standing to the said Account to be entitled "Account of Monies placed out to provide for the Officers of the High Court of Chancery," or by a Sale of so much of the said Securities as may be necessary for that Purpose; and in case such last-mentioned Securities, and the Interest and Dividends thereof, shall be at any Time insufficient to meet any such Deficiency, it shall be lawful for the Lord Chancellor to direct the said Accountant General from Time to Time to make good such last-mentioned Deficiency, as often as the same shall arise, by carrying over and placing to the said Account to be entitled The Suitors Fee Fund Account a Sum sufficient for that Purpose out of the Interest and Dividends that have arisen or may hereafter arise from the Government or Parliamentary Securities now or hereafter to be placed to Two several Accounts in the Bank of *England*, standing in the Name of the said Accountant General, and intituled "Account of Moneys placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," and "Account of Securities purchased with surplus Interest arising from Securities carried to an Account of Moneys placed out for the Benefit and better Security of the Suitors of the High Court of Chancery."

XXXVII. And be it enacted, That it shall be lawful for the Lord Chancellor, with the Advice and Concurrence of the Master of the Rolls and the Vice Chancellor, or One of them, to fix and settle a Table of Fees to be received and taken by the Clerks to the Masters in Ordinary, and by the said Registrars and their Clerks; and that the said Clerks to the said Masters in Ordinary, and the said Registrars and their Clerks, shall and may thereafter take and receive such Fees; and that the said Clerks to the said Masters in Ordinary, and the said Registrars and their Clerks, and also the said Master of Reports and Entries, the Clerk of the Affidavits, and the Examiners, shall pay into the Bank of *England*, to the Credit of the said Accountant General, once in every Month, all Fees or Sums of Money to be received by them respectively by virtue of this Act (the Amount so received and paid by them to be verified by Affidavit to be sworn before one of the Masters of the said Court); and that the several Sums, when so paid in, shall be from Time to Time placed to the said Account to be intituled "The Suitors Fee Fund Account": Provided always nevertheless, that the Master of Reports and Entries, before making such Payment as aforesaid, shall be allowed to deduct from the Sum so received by him, and to pay to the said Clerk of Reports, One Penny Halfpenny *per* Folio of Ninety Words for every Office Copy made and delivered by him, and to the Clerks of Entries the like Sum of One Penny Halfpenny *per* Folio of Ninety Words for all Entries made by them; and that the Clerk of the Affidavits shall in like Manner be allowed to deduct from the Sum so received by him, and to pay to his Assistant Clerk, the Sum of One Penny Halfpenny *per* Folio of Ninety Words for every Office Copy of Affidavit made and delivered by him; and that the Examiners shall in like Manner be allowed to deduct from the Sums to be received by them in manner aforesaid, and to pay to their Clerks, the Sum of One Penny

Table of Fees to be settled and paid to Fee Fund Account.

Allowances for copying.

Penny Halfpenny *per* Folio of Ninety Words for every Office Copy to be made and delivered by them.

Table of Fees
to be laid before
Parliament.

XXXVIII. And be it enacted, That the Table of Fees so to be taken and received shall, within Fourteen Days next after the same shall be settled in manner aforesaid, be laid on the Table of the House of Commons, if Parliament shall be then assembled, or if Parliament shall not be then assembled, then within Fourteen Days after the Meeting of Parliament then next following.

2,500*l.* to be
paid annually to
the Masters in
Ordinary, ex-
clusive of the
Accountant
General.

XXXIX. ' And whereas by an Act passed in the Fifth Year ' of the Reign of His late Majesty King *George* the Third the ' annual Sum of Two hundred Pounds was directed to be paid to ' each of the Eleven Masters in Ordinary of the High Court of ' Chancery, out of the Interest and Dividends of the Government or ' Parliamentary Securities herein-before and next herein-after men- ' tioned; and by an Act passed in the Forty-sixth Year of the Reign ' of His late Majesty King *George* the Third the annual Sum of ' Four hundred Pounds was directed to be paid to each of the said ' Eleven Masters in Ordinary, out of the Interest and Dividends ' of the same Securities, in addition to their respective Salaries;' be it further enacted, That so much of the said Act as directs the Payment of the said several Sums of Two hundred Pounds and Four hundred Pounds to each and every of the said Masters, other than the Accountant General, shall be and the same is hereby repealed; and that out of the Interest and Dividends of the said Government or Parliamentary Securities carried or to be carried to the said Account entitled " Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," and out of the Interest and Dividends of the Government or Parliamentary Securities carried to the said Account entitled " Account of Securities purchased with surplus Interest arising from Securities carried to an Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," in the said recited Acts passed in the Fifth and Forty-sixth Years of the Reign of His late Majesty King *George* the Third respectively mentioned, and out of the Interest and Dividends of any Government or Parliamentary Securities hereafter to be purchased and placed to the last-mentioned Accounts, there shall be paid (but subject to and without Prejudice to the Payment of all Salaries and other Sums of Money by any Act or Acts of Parliament not hereby repealed directed or authorized to be paid thereout) by the Governor and Company of the Bank of *England*, by virtue of an Order or Orders of the High Court of Chancery to be made for that Purpose, without any Draft from the Accountant General of the said Court, the annual Sum of Two thousand five hundred Pounds to each and every of the Masters in Ordinary of the said Court for the Time being, exclusive of the Accountant General, free from all Parliamentary Taxes and Deductions whatsoever, which said annual Sum of Two thousand five hundred Pounds to each of the said Masters, exclusive as aforesaid, shall commence from the Twenty-fifth Day of *November* next, and shall be paid by equal quarterly Payments on the Twenty-fifth Day of *February*, the Twenty-fifth Day of *May*, the Twenty-fifth Day of *August*, and the Twenty-fifth Day of *November* in every Year.

XL. And be it further enacted, That it shall be lawful for the Copying or Writing Clerks of the said Masters to receive and take the Sum of One Penny Halfpenny *per Folio* of Ninety Words, and no more, for every Copy of every Document or Writing, or a Part of any Document or Writing, made in the Masters Offices, from the Party requiring the same, and also for the Transcript of every Report; and that such Sum of One Penny Halfpenny *per Folio* shall be retained by the said Writing or Copying Clerks to be employed by the said Masters in their respective Offices, and that no Part thereof shall be received or retained by or applied for the Use or Benefit of any other Person or Persons on any Pretence whatsoever.

1^d. per Folio
to be paid to
Copying Clerks
in the Masters
Offices.
10 4 11 1/2 60

XLI. And be it further enacted, That if any Master in Ordinary of the High Court of Chancery, or any Person holding any Office, Situation, or Employment in any Office of the said Court, or under any of the Judges or Officers thereof, shall, for any thing done or pretended to be done relating to his Office, Situation, or Employment, or under colour of doing any thing relating to his Office, Situation, or Employment, wilfully take, demand, receive, or accept, or appoint or allow any Person whatsoever to take for him or on his Account, or for or on account of any Person by him named, or in Trust for him or for any other Person by him named, any Fee, Gift, Gratuity, or Emolument, or any thing of Value, other than what is allowed or directed to be taken by him as aforesaid, the Person so offending, when duly convicted, shall forfeit and pay the Sum of Five hundred Pounds, and shall be removed from any Office, Situation, or Employment he may hold in the said Court, and shall be rendered and is hereby rendered incapable for ever thereafter of holding any Office, Situation, or Employment in the said Court, or otherwise serving His Majesty, His Heirs or Successors.

Officers and
Clerks not to
take Gratuities.

Penalty on
Conviction of
Offender.

XLII. And be it enacted, That any such Offender may be prosecuted either by Information at the Suit of His Majesty's Attorney General, or by Criminal Information before His Majesty's Court of King's Bench, or by Indictment.

How Offenders
may be prosecuted.

XLIII. And be it further enacted, That it shall be lawful for the Lord Chancellor, by virtue of any Order or Orders of the said Court to be made for that Purpose, to order and direct an annual Account to be taken, and to order Payment, out of the Funds herein-after mentioned, of all such Sums as shall appear to the Lord Chancellor to be reasonable and proper to be paid to the Masters, the Registrars, the Master of Reports and Entries, the Clerk of Affidavits, and the Examiners, and the Clerks in the same several Offices respectively, in order to reimburse them for any Expences reasonably and necessarily expended by them from and after the Day on which this Act shall come into operation until the Fifth Day of *April* then next following, and after that Time between the Sixth Day of *April* in every Year and the Fifth Day of *April* in the following Year, both inclusive, for the Care or cleaning of the Rooms or Buildings in which any such Offices may be held, or for any Rent payable for or in respect of any such Buildings or Rooms, in paying for Books or Stationery provided or supplied for carrying on the Business of the said respective Offices, other than the Paper used for making Copies for Parties in the said several Offices of the Masters, the Master of Reports and Entries, the Clerk of Affidavits, and

Lord Chancellor
may order
Expences of the
Offices to be
paid.

and the Examiners, or in providing Coals and Candles and other necessary Articles for the said Offices and each of them, or in Payment of Taxes, Rates, and other Assessments charged upon or payable for or in respect of the said Offices and Buildings, and each or either or any of them, or to which the said several Officers or any of them may be liable in respect thereof; and that the Expences aforesaid of or relating to the said several Offices and Buildings shall be paid out of the Interest and Dividends of the Government or Parliamentary Securities carried to the said Two several Accounts entitled "Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," and "Account of Securities purchased with surplus Interest arising from Securities carried to an Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," or either of them.

Lord Chancellor, &c. may diminish Fees.

XLIV. And be it further enacted, That it shall and may be lawful for the Lord Chancellor, with the Advice and Concurrence of the Master of the Rolls and the Vice Chancellor, or One of them, from Time to Time, by any general Order or Orders, to direct that the several Fees hereby authorized to be received and taken, or any of them, may be varied and increased or reduced in Amount, or wholly omitted to be received, as to them shall seem fit, and as Circumstances may require, provided that sufficient of such Fees shall be left to meet the Demands hereby directed to be paid thereout.

Power to invest surplus Interest of Suitors Fund.

XLV. And be it further enacted, That the surplus Interest and annual Produce which hath arisen and shall arise from the Moneys placed out on the several Accounts entitled "Account of Moneys placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," and "Account of Securities purchased with surplus Interest arising from Securities carried to an Account of Moneys placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," beyond what shall be sufficient to answer the Purposes of this and the several other Acts relating to such Securities, and also the Interest produced from the Securities purchased with such surplus Interest and annual Produce, shall from Time to Time be placed out in the Purchase of Government or Parliamentary Securities, in the Name of the Accountant General of the said Court, and placed to the Credit of the said Account entitled "Account of Securities purchased with surplus Interest arising from Securities carried to an Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery."

Money placed out, if required to answer Demands of Suitors, to be called in.

XLVI. And be it further enacted, That if at any Time hereafter the Whole or any Part of the Moneys placed out to the said Two several Accounts intituled "Account of Moneys placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," and "Account of Securities purchased with surplus Interest arising from Securities carried to an Account of Moneys placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," or to be placed out in pursuance of this Act, shall be wanted to answer any of the Demands of the Suitors of the said Court of Chancery, then and in such Case the said Court may and shall direct the Whole or any Part of such Moneys to be called

called in, and the Securities in which the same and the surplus Interest and Dividends herein-before mentioned shall be placed, to be sold and disposed of, in order that the Suitors of the said Court may at all Times be paid their respective Demands out of the common and general Cash belonging to such Suitors.

XLVII. And be it further enacted, That it shall be lawful for the Lord Chancellor, by any Order or Orders of the said Court of Chancery, to authorize the Change of the Security or Securities, or of any Part of the Securities, to be purchased pursuant to this Act. Power to change Securities.

XLVIII. And whereas it is alleged that the Emoluments of the present Masters in Ordinary, and of the Registrars and the Clerks of the said Registrars, and of the Clerks to the Entering Registrars, and of the Examiners and their Clerks, will be greatly diminished by the Operation of this Act, for which they claim to have Compensation made: And whereas the Office of Master of the Report Office, now held by *Thomas Alexander Raynsford* Esquire, and the Office of Clerk of Exceptions, and of Agent to the Senior Deputy Registrar, now held by Mr. *James Bird*, will be abolished by this Act: And whereas the Office of Registrar of Affidavits will have ceased and determined from and after the Twentieth Day of August One thousand eight hundred and thirty-three, and a Clerk of Affidavits, with greatly reduced Emoluments, is to be substituted for the said Registrar by virtue of this Act; and instead of Two Assistant Clerks in the said Office there is hereafter to be only One such Clerk: And whereas *William Nicholson*, the present Senior Clerk in the said Office, has been employed as a Clerk therein for Forty-two Years past, and by infirm Health is become incapable of effectually discharging the Duties of the Office of Clerk of Affidavits; and the said *Thomas Alexander Raynsford*, *James Bird*, and *William Nicholson* claim Compensation in respect of their said several Offices so held by them; be it therefore enacted, That it shall be lawful for the Lords Commissioners of His Majesty's Treasury for the Time being, or any Three or more of them, and they are hereby required, within the Space of Six Calendar Months next after the passing of this Act, by Examination on Oath or otherwise, which Oath they and each of them are and is hereby authorized to administer, to inquire whether any, and if any what, Compensation ought to be made to all or any of the said Officers and Persons herein-before mentioned as claiming such Compensation, the said Commissioners having regard to the Conditions on which the Appointment of any such Officer was made, or to any Notice which at the Time of such Appointment may have been given to such Officer, that such Office was to be holden subject to any Provision by Parliament for the Abolition or Regulation thereof, but with full Power for the said Commissioners to investigate and determine whether, from the Nature of the said Offices or the Mode of Accession thereto, any such Conditions or Notice could have been properly made or given, and also having regard to the holding of any Office, Place, or Situation by such Officer under this Act; and that in all Cases in which it shall appear to the said Lords Commissioners that Compensation ought to be granted it shall be lawful for the said Lords Commissioners, or any Three or more of them, by Warrant under their Hands, Lords of the Treasury may grant Compensation to Persons herein mentioned under certain Conditions.

Hands, to order and direct that such annual or other Compensation shall be made to the Persons so claiming such Compensation as aforesaid, or any of them, as to the said Lords Commissioners in their Discretion shall seem just and reasonable; and all such Compensations, whether annual or in gross, shall be issued and paid and payable by the said Accountant General, by virtue of an Order or Orders for that Purpose to be made by the said Court of Chancery, out of the Funds hereby directed to be carried to the said Account entitled "The Suitors Fee Fund Account": Provided always, that an Account of all such Compensations shall, within Fourteen Days next after the same shall be so granted, be laid upon the Table of the House of Commons, if Parliament shall be then assembled, or if Parliament shall not be then assembled, then within Fourteen Days after the Meeting of Parliament then next following.

Treasury may grant Compensation to Secretary of the Master of the Rolls.

XLIX. ' And whereas it may be expedient for the further ' diminishing of the Expence of Suits in the said Court of Chan- ' cery that other Alterations may be made in the Practice of the ' said Court by abolishing Orders of Course and otherwise, and such ' Alterations may materially diminish the present Emoluments of ' the Secretary of the Master of the Rolls;' be it enacted, That it shall be lawful for the Lords Commissioners of His Majesty's Treasury to inquire whether any, and if any what, Compensation ought to be made to the said Secretary for any such Loss of Emoluments, regard being had to the Nature of his Office, and to the Circumstances under which such Emoluments are payable and have lately increased; and if it shall appear to the said Lords Commissioners that Compensation ought to be granted it shall be lawful for the said Lords Commissioners, or any Three or more of them, by Warrant under their Hands, to order and direct that such annual or other Compensation shall be made to the present Secretary, or to the Secretary of the Master of the Rolls for the Time being, as to the said Lords Commissioners in their Discretion shall seem just and reasonable; and such Compensation, whether annual or in gross, shall be issued and paid in like Manner and out of the like Fund as is herein-before provided with reference to Compensations to be granted to other Officers of the said Court; and an Account of any such Grant of Compensation shall be laid before Parliament in the same Manner as is provided as to other Compensations.

Masters in Chancery appointed after the passing of this Act not to be entitled to Annuity for Length of Service.

L. ' And whereas by an Act passed in the Forty-sixth Year of ' the Reign of His late Majesty King George the Third, intituled ' *An Act for making Provision for such Masters in Ordinary of the ' High Court of Chancery as from Age or Infirmary shall be desirous ' of resigning their Offices, with the Approbation of the said Court, ' and for augmenting the Income of the Masters in Ordinary of the ' said Court,* it is provided, amongst other things, that it shall be ' competent to the Lord Chancellor to order an Annuity or clear ' yearly Sum of Money, not exceeding One thousand five hundred ' Pounds, to be paid to any of the Eleven Masters in Ordinary of ' the High Court of Chancery who shall have been a Master in ' Ordinary of the said Court for the Term of Twenty Years, or ' who shall be afflicted with some permanent Infirmary disabling ' him from the due Execution of his Office, and who shall be ' desirous of resigning the same: And whereas it is expedient that ' Allowance

‘ Allowance should not be made to any of such Masters hereafter to be appointed in respect of Length of Service, but only in case of permanent Infirmary and Disability;’ be it therefore enacted, That no Master in Ordinary of the High Court of Chancery to be appointed after the passing of this Act shall receive or be entitled to receive any Annuity or Allowance whatsoever in respect only of Length of Service, any thing in the said last-recited Act to the contrary notwithstanding.

LI. And be it further enacted, That in case any Order shall hereafter be made by the Lord Chancellor for the Payment to any such Master hereafter to be appointed of any Annuity or yearly Sum, in regard that such Master may have become afflicted with some permanent Infirmary disabling him from the due Execution of his Office, then and in such Case the said Lord Chancellor shall in such Order state the Cause for the making the same, and shall cause a Copy of such Order to be laid on the Table of the House of Commons within Fourteen Days next after the making the same if Parliament shall be then assembled, and if Parliament shall not be sitting, then within Fourteen Days next after the assembling thereof.

LII. And be it further enacted, That in all Cases in which the said Lord Chancellor shall order any Annuity to be paid to any Officer whatsoever of the Court of Chancery, by virtue of any Authority vested in him for that Purpose, the said Lord Chancellor shall cause a Copy of every such Order to be laid on the Table of the House of Commons within the Periods herein-before mentioned.

LIII. And be it further enacted, That this Act shall come into operation, as to the Office of Clerk of the Affidavits, and the Duties therein and incident thereto, immediately after the passing of this Act, and as to all other Matters herein contained, on the Twenty-sixth Day of *November* One thousand eight hundred and thirty-three.

Order for Payment of Annuity to Master to contain the Cause of making same.

Copy of any Order for Annuity to be laid before House of Commons.

Commencement of Act.

The SCHEDULE herein-before referred to.

	Salary.	
The First Registrar	£2,000 per Ann.	
Second D ^o	1,800	—
Third - D ^o	1,800	—
Fourth D ^o	1,500	—
Fifth - D ^o	1,500	—
Sixth - D ^o	1,250	—
The First Clerk to the Registrars	800	—
Second	800	—
Third	600	—
Fourth	600	—
Fifth	400	—
Sixth	400	—
Seventh	300	—
Eighth	300	—
Master of Reports and Entries	1,000	—
Clerk of Reports	200	—
First Clerk of Entries	150	—
Second	100	—
First Clerk of Accounts	500	—
Second	400	—
Third	350	—

	Salary.
Fourth - - - - -	£300 per Ann.
Fifth - - - - -	250 —
Sixth - - - - -	200 —
Seventh - - - - -	150 —
Eighth - - - - -	150 —
Ninth - - - - -	150 —
Tenth - - - - -	100 —
Clerk of Affidavits - - - - -	500 —
Assistant Clerk to D ^o . - - - - -	150 —
To the Chief Clerk of each of the Masters in Ordinary, other than the Accountant Ge- neral - - - - -	1,000 —
To the junior Clerk of each of such Masters -	150 —
To each of the Two Examiners of the Court -	700 —
To the Clerk of each of the Examiners -	150 —

10 41 Vic. c 60

CAP. XCV.

An Act to appoint additional Commissioners for executing the Acts for granting an Aid by a Land Tax, and for continuing the Duties on Personal Estates, Offices, and Pensions. [28th August 1833.]

7 & 8 G.4. c. 75.

9 G. 4. c. 38.

2 & 3 W.4. c. 127.

Appointment of
additional Com-
missioners.

WHEREAS an Act was passed in the Seventh and Eighth Years of the Reign of His late Majesty King George the Fourth, intituled *An Act to appoint Commissioners for carrying into execution several Acts granting an Aid to His Majesty by a Land Tax to be raised in Great Britain, and continuing to His Majesty certain Duties on Personal Estates, Offices, and Pensions in England*: And whereas another Act was passed in the Ninth Year of the Reign of His said late Majesty, intituled *An Act for rectifying Mistakes in the Names of the Land Tax Commissioners, and for appointing additional Commissioners, and indemnifying such Persons as have acted without due Authority in execution of the Acts therein recited*: And whereas another Act was passed in the Second and Third Years of the Reign of His present Majesty King William the Fourth, intituled *An Act for appointing additional Commissioners to put in execution the Acts for granting an Aid to His Majesty by a Land Tax, and continuing the Duties on Personal Estates, Offices, and Pensions*: And whereas it is expedient to appoint additional Persons to put in execution the several Acts for granting an Aid to His Majesty by a Land Tax in Great Britain, and for continuing to His Majesty certain Duties on Personal Estates, Offices, and Pensions in England: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the several and respective Persons herein-after named shall and may and are hereby empowered and authorized (being duly qualified) to put in execution the said Acts, and all the Clauses, Powers, Matters, and Things whatsoever therein contained, as Commissioners in and for the several and respective Counties, Shires, Stewartries, and Places of Great Britain herein-after severally and respectively mentioned and expressed, as fully and effectually

as if they had been named with the other Commissioners in the said recited Act passed in the Seventh and Eighth Years of the Reign of His late Majesty King George the Fourth ; (that is to say,)

For the Rest of the County of Berks.

The Honourable Jacob Pleydell Bouverie *commonly called Lord Viscount* Folkestone, *the Honourable* Edward Pleydell Bouverie, *the Honourable* Philip Pleydell Bouverie, William Brown of Kingston, Thomas Brown of Kingston, Thomas Brown of Burderop, John Brown of Compton, John Brooks, Thomas Vaughan Banner, Joseph Clark, Joseph Coster, William Coster, William Morse Crowdy, Alfred Southby Crowdy, Francis Crowdy, James Wicks Dunsford, William Gearing, John Giles, William Hatton, William Henry Hitchcock, John Hippisley, John Horrocks, John Hibbard, James Forbes Jowett *Clerk*, John Kent of Bourton, William Kinch *the younger*, James Lawrence, Henry Maskelyne, Charles Samuel Medley, Walter Matthews, John Matthews, George Milward, George Milward *the younger*, Thomas Myers, John Myers, Thomas Neate *Clerk*, Arthur Neate *Clerk*, Thomas Nash, John Nash, Edmund Peaple, John Hall Pocock, Nathaniel Poyntz *Clerk*, Charles Price, John Mervin Prower *Clerk*, John Reade, Richard Terry, James Tombs, Thomas Vilette, John Wayte Vilette *Clerk*, William Vizard *the younger*, Francis Warneford, James White, William White, Robert Warman.

For the Town of Cambridge.

Edmund Allen, Charles Asby, William Bacon, Robert Barrett, William Baxter, Robert Clayton, William Crowe, John Eaden *junior*, Francis Eaden, William Elliston, Thomas John Ficklin, William Webster Fisher, Adam Fitch, Ebenezer Foster *junior*, Henry Staples Foster, John Grafton, Robert Green, Richard Banks Haraden, Henry Hemington Harris, *the Reverend Professor* Henslow *M.A.*, Thomas Hunnybun, Martin Hunnybun, Elijah Johnson, James Johnson, Peter Nash, William Robinson, Henry Francis Rowe, *the Reverend Professor* Scholefield *M.A.*, William Shippey, Samuel Austin Turner, Thornhill Warrington, Henry Wallis, William Atkinson Warwick, Charles Watson, *the Reverend* William Wright *LL.B.*, *the Reverend* Thomas Smart Hughes *B.D.*

For the County of Devon.

Edward Carlyon of Greenway, Henry Paul Seale, Charles Hayne Seal Hayne, Charles Michelmores, William Fabyan Windeatt, Thomas Michelmores *junior*, Charles Edwards, Charles Taylor, Richard Soper, William Bowden, Richard Watson, John Browne Smith, Robert Tucker, William Prout, Parmenas Pearce, John Gribble, William Skinner *junior*, Henry Browse, John Jackson, John Teage.

For the County of Dorset.

Peter Cox, George Cox, James William Daniel, Thomas Pakeer Daniel, Edward Fox, Robert Conway of Beaminster.

For the West Riding of the County of York.

John Benson Sidgwick (Stone Gappe, Skipton), Frederic Greenwood (Rishworth Hall, Keighley) Edwin Greenwood (Knowle, Keighley), William Sugden (Eastwood House, Keighley), John Rhodes Ralph (Halifax), George Buxton Brown (Halifax), Thomas Sudworth (Halifax), Samuel Hodgson (Halifax).

For the Town of Malden.

John Payne, B Baker.

For the Rest of the County of Essex.

Thomas Chalk.

For the Rest of the County of Gloucester.

Robert John Purnell, Benjamin Chapman Browne, William Moore Adey.

For the Rest of the County of Hertford.

William Hale of Hingswalden, the Reverend Samuel John Knight, Edmond Sexten Pery.

For the Rest of the County of Kent.

James B Horner, Thomas Page, Frederic Finch, W
 J Wattsford, C Pearson, George Oliver, C
 Heisch, Thomas Dyer, John M Richardson, Charles
 Lewis, George Smith, Benjamin Smith, Peter Rolt, John Anger-
 stein, William Curling, Thomas Pitcher, William Pitcher, James
 Cousens, Samuel Prior, John M White, Simeon Warnes,
 John Painter, Charles A Ferguson, Captain Stephen Trounce,
 Richard Seamark, the Reverend John S H Welsh,
 James Kerl, Samuel Brown, Samuel Thomas Brown, William
 Keats, Philip Kitter, Thomas A Shuter, William Moly-
 neux, Charles Sams, George Cotsworth, William Raven, J
 Strongitharm, John Taverson, the Reverend Arthur Drummond,
 W L Newmans, Henry Longlands, the Reverend
 Thomas Barne, J F Burnett, Charles Fensham,
 William Landell, E Strachy, W R Willett,
 E Nash, R Riley, John Cope, Thomas Wright, John
 Auldgo, John Ward, W E Dawson, the Reverend
 H J Shackleton, John Rixon, W Warrington
 junior, R Moline, John Ashford, John Ashford junior,
 Matthew Ffinch junior, John Drake Ffinch, T B
 Batard, George Ainslie, W S Preston, George Joad.

For the City of London.

John Adamson *Lime Street*, Isaac Armstrong *King Street*, Smith-
 field, William Bennett *Holborn Hill*, Samuel Berger *Bow Lane*,
 John Browne *Dowgate*, William Collingwood *Newgate Market*,
 William Croucher *Queen Street*, Edward Abraham De Grave *Saint*
Martin le Grand, William Christopher Dix *Saint Ann's Lane*, John
 Downes *Lawrence Pountney Lane*, Richard Ellis *Minories*, Jeremiah
 Evans *Fish Street Hill*, Alexander Galloway *West Street*, *Smithfield*,
 Edwin Gower *Coleman Street*, Joseph Grout *Carey Lane*, Joseph
 Hearn *Snow Hill*, Thrower Buckle Herring *Aldersgate Street*, Ri-
 chard Hicks *Newgate Market*, Gregory Jarman *Gracechurch Street*,
 Richard Jewesson *Fenchurch Street*, George Knight *Foster Lane*,
 George Lamb *Queen Street*, James Low *Gracechurch Street*, John
 Mallcott *West Street*, *Smithfield*, William Matthews *Saint Martin le*
Grand, John Moginie *Smithfield Bars*, Henry Munn *Cock Lane*,
 William Nash *Noble Street*, Jonathan Charles Prior *Upper Thames*
Street, Thomas Russell *West Smithfield*, Israel Thomas *Cornhill*,
 Matthew Clement Walker *Skinner Street*, William Walker *Farring-*
don Street, John Welch *Skinner Street*, Arthur Wilcoxon *Lombard*
Street, Alexander Wilson *Holborn Hill*, Thomas Woodward *Saint*
Martin

Martin le Grand, James Anderton of Bridge Street, Blackfriars,
William Hurst Ashpitel of Throgmorton Street.

*For the City of Westminster and Liberties thereof, and Offices executed
in Westminster Hall.*

Thomas Prout *Strand*, John Oldchurch *Webb Strand*, James Pitt
Piccadilly, John Nathan Bainbridge *Saint Martin's Lane*, William
Dureden *Gerard Street*, John Rogers *Oxford Street*, Richard Cripps
Oxford Street, T Arber *Horseferry Road*, Henry Simpson
New Street, Covent Garden, Joseph Hayes *junior*, *May's Buildings*.

For the Rest of the County of Middlesex.

Thomas Dax, John Towgood, Thomas Hodgkinson, James
Groves, Samuel Dezoete, *Sir* Chapman Marshall *Knight*, Miles
Stringer, Samuel Platt, Edward Wilbraham, Mathias Rowe, Richard
Walford, Thomas Leach, Henry Burnett, Solomon Sheldon, Francis
Thwaites, Francis Broderip, Joseph Holden Turner, Daniel Charles
Rogers Harrison, Peter Blount, George Walford Armstrong, Thomas
Lintott, *Sir* William Saltonstall Wiseman *Baronet*, William Booker,
Charles Plowden, John Nurse, Edward Gale Boldero, John Sturges,
Enos Durant, Andrew Henderson, Thomas George Kipps, Henry
Rhodes, *Sir* William Henry Pringle, Henry Bell, Henry Charles
Sturt, *Sir* Giffin Wilson, Thomas Gerard Elrington, Daniel Bazal-
gette, John William Langley, *Sir* Samuel Scott *Baronet*, Claude
Edward Scott, James Hooper, Joseph Benjamin Balmain, Richard
Freeman, *Sir* Edward Hyde East *Baronet*, Stephen Cox, Andrew
Rogers, John Woodward, Thomas Ives *senior*, Thomas Ives *junior*,
Thomas John Burgoyne, William Griffiths, George Hobbs, Edward
Perryman, Christopher Blacket, Frederick Polhill, Alexander Mil-
ler, Michael Lambton Este, Marshall Lawrence Welch, James
Foulger *junior*, Robert Barton, Robert Smirke *junior*, James Chap-
man Bishop, George Langridge Williams, James Carpenter, An-
thony Brough, Francis Ellerker Lewin, Robert Walpole *Clerk*,
Griffith Jones, Henry Wright, Simeon Thomas Bull, James Nisbet,
Edmund Collier, Ralph Stevens, Thomas Francis Rance, Richard
Burnell, Joseph Pedley, Joseph Richard Williams Henry Pedley,
John Ware, Thomas Marriott, Luke Trapp Flood, Robert Older-
shaw *junior*, James Culverwell, Henry Carrington Bowles, Edward
Bush, Daniel Cresswell *D.D.*, Christian Paul Meyer, Peter Thomp-
son, William Willson, Charles Salisbury Butler, John Lischallas,
Robert Willis Hall, Thomas Vallance, William Beach of Sloan
Terrace, Chelsea, Garden Roger *Hendon*, James Anderton 20 *New
Bridge Street*, Blackfriars, Charles Hebbert *Pall Mall East*, Cooke
Banke 9 *Upper Southampton Street*, Fitzroy Square, Edward Ward
Scadding.

For the County of Norfolk.

Thomas Tuck *junior*, William Gilbert, *the Reverend* L
B Foster, William Spurrell, James Hunt Holley, John Deyns,
Thomas Wells, William Branford, Francis Knights Daniels, William
Gilbert, Thomas G Tuck *junior*, *the Reverend* Lambert
Blackwell Foster, Henry Tuck, Peter Bullock, Charles Whaites,
Robert Pratt, Robert Leaman, William Bircham *junior*, Jasper
Tipple, John Clarke, C J Howard, Jonathan Farrar,
John W Gooch, John Yelloly *M.D.*, James Copeman, Samuel
Clarke, Philip Dykes, H Gibson Dowson, B W
3 Q 3 Dowson,

Dowson, William Tuttel, Richard Priest, John Doughty, Thomas Lombe Taylor, Thomas Havers, *the Reverend* Joseph Murch, Joseph Cater Webb, Thomas Edwards, William Bellairs, Thomas Cooke, Samuel Culley, Frederick Coy, Orlando Barnes, John Baker, John Cross, Joseph Geldart, Rawdon Hunter, John Wright, William Repton, John Taylor, F G O Taylor.

For the Rest of the County of Oxford.

Peter Sarney *Benwell*, William Henry Brakspear, *the Reverend* James King, Richard Lydekker, William Montagu, William Parker, Joseph Phillimore *D.C.L.*

For the County of Somerset.

The Reverend Charles Tripp *Doctor of Divinity*, John Upton Tripp, *the Reverend* William Newton *Clerk*.

For the County of Southampton and Isle of Wight.

James Theobald *Winchester*, John Young *Winchester*, Samuel Deverell *Winchester*.

For the Borough of Sudbury.

Joseph Barker, John Bear, John Bear, Joseph Frost, Alexander Frost, Joseph Head, Thomas Hibble, William Wood Humphry, Samuel Keeble, Charles Ray, William Bestor Smith, William Warner.

For the Rest of the County of Suffolk.

Stephen Piper, *the Reverend* George Weller *Poley*.

For the County of Surrey.

Richard Penfold Ganthony 11 *Kennington Row*, *Kennington Common*, Alexander Macdougall *of Streatham*.

For the County of Carmarthen.

James Richards *Penybank*, *Llangathen*, William Williams *Cilsane*, *Llangathen*, Henry Thomas *Bronyglyn*, Mathew Dickins *Cross Inn*.

For the County of Denbigh.

The Reverend Robert Ch. Chambers *Llymivichion*, John Heaton *Plás Heaton*, *the Reverend* R M Bonnor *Henllan Vicarage*, *the Reverend* Robert Myddelton *Gwaynynag*, George Griffith *Gran*, George Naylor *Plás Clough*, Thomas Hughes *Astrad Hall*, *the Reverend* Edward Williams *Llanrhaiadr*, *the Reverend* Edward Roberts *Nantyllyn*, Captain H M Mostyn *Llewesog*, John Coptnor Williams *Denbigh*, Charles Lankey *Denbigh*, Richard Roberts *Denbigh*, John Williams *Grove House*, *Denbigh*, Richard Ll. Williams *Henllan Place*, *the Reverend* Robert Ll. A. Roberts *Bryn morwydd*, Thomas Evans *Denbigh*.

For the Shire of Cromartie.

Colin Mackenzie *of Newhall*, George Mackay *Sutherland of Udoll*, Hugh Rose *Ross of Cromarty*, William Murray *of Rosemount*, Captain John Burkly *Cromarty*, Captain Alexander Mackenzie *R.M., Cromarty*, Hugh M St Vincent *Rose the younger, of Glastullich*, Henry Davidson *the younger, of Tulloch*, James Fowler *of Raddery*, *the Sheriff Depute and Substitute of the Counties of Ross and Cromarty for the Time being*, *the resident Justices of the Peace in the Town and County of Cromarty*, *the Sheriff Clerk of the County for the Time being*, James Stewart Mackenzie *of Seaforth*.

For

For the Shire of Fife.

Sir Windham Carmichael Anstruther *Baronet*, Philip Anstruther of Dura, Onosiphorous Tyndal Bruce of Falkland, Robert Bruce of Kennet, George Robertson Barclay of Kaval, James Buchan of Balchrystie, George Buist *younger*, of Berryhole, William Briggs of East Blair, Robert Coventry of Hall Croft, Corstorphin of Pittowie, Lawrence Dalgliesh *second Son of the late Lieutenant Colonel* James Dalgliesh of West Grange, John Dewar of Lassodie, James Dingwall *younger*, of Tarvit Mill, David Gillespie of Kirkton, John Hay of Morton, James Henderson of Coutle, James Horsburgh *younger*, of Lochmalony, Archibald Hope *younger*, of Craighall, *General the Honourable* Sir Alexander Hope of Craig Hall, John Thomas Hope *younger*, of Craig Hall, John Inglis of Collatie, Henry Inglis of Newington, John Kirk of Transy, David Lister of Kinninmond, George Johnston Lindsay of Kirkforthar, John Lister of Redwalls, the *Reverend* Edwin Sandys *Lumsdurie*, the *Honourable* W D Murray commonly called Lord Murray, the *Honourable* W H Leslie Melville, Charles McRitchie of Lathones, William Millar of Sunnysbank, Robert F N B Moubray *younger*, of Cockairny, *Lieutenant Colonel* Russell Martin of Pearson's Beath, John Newton of Castleland Hill, Charles Nairne of Nether Magask, Peter Wedderburn Ogilvie of Ruthven, David Pitcairn *younger*, of Wester Kinnaird, Alexander Purvis of Kinnaldy, Robert Russell of Brockley, Alexander Russell of Hayston, Charles Raitt of Carphin, John Reoch of Gilmerton, Henry Shank of Castle Rigg, the *Honourable* John Steuart of Boreland of Saline, John Small of Foodie, George Thomson of Springfield, R K Trotter *younger*, of Balindean, James Thomson of Orkie Miln, Bethune James Walker Fawfield, Robert S Wyld *younger*, of Gilston, William Young of Dunearn, John Smith Cunningham *W.S.*

For the Stewartry of Orkney and Zetland.

Sir John Fraser *Knight*, Andrew Grierson of Quendall, Francis Heddle of Uresland, James Hay of Laxforth, William Hay *younger*, of Laxforth, Thomas Leask of Uyea, Charles Ogilvy of Hammersland, John Ross of Quarff Lodge, Robert Ross of Sound, Robert Robertson of Gossaburgh, John Scott of Melby, John Scott *younger*, of Melby, David Spence of Gardie, Charles Ogilvy of Seafield, John Ross *Merchant* at Westsawdwick, *Captain* John Craigie of Strombridge, James Greig of Landsound, Thomas Gifford of Hillswick, James Grierson *younger*, of Quendall, *Captain* Crichton Grierson *Royal Engineers*, Andrew Duncan of Tow, William Mouat Cameron *younger*, of Belmont, James Hay *eldest Son* of William Hay *younger*, of Laxforth, Andrew Duncan *junior*, *Writer* in Lerwick, Arthur Nicolson *younger*, of Nicolson, John Scott *eldest Son* of John Scott *younger*, of Scalloway, Gideon Gifford *eldest Son* of Thomas Gifford of Hillswick, William Traill of Frotoft, Gilbert Traill of Hatston, George Richan of Rapness, Thomas Hutton *Factor* for Lord Dundas, Samuel Laing Younge of Papdale, Edward Clouston of Smagro, John Mitchell *junior*, *Writer* in Edinburgh, the *Reverend* Zachariah Macaulay Hamilton Hoy, the *Chamberlain* on the Crown Lands in Orkney.

II. And be it further enacted, That all the Powers, Authorities, Provisions, Matters, and Things contained in the said recited Act

Power of former
Acts extended to
this Act.

passed in the Seventh and Eighth Years of the Reign of His late Majesty King *George* the Fourth, and in any other Act in force in relation to any Acts, Matters, and Things to be done by Commissioners of Land Tax, shall extend to this Act and to the Commissioners named therein, and shall be construed therewith, as fully and effectually to all Intents and Purposes whatsoever as if the same had been severally and separately repeated and re-enacted in this Act, and made Part hereof.

CAP. XCVI.

An Act to apply the Sum of Six Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and thirty-three; and to appropriate the Supplies granted in this Session of Parliament.

[29th August 1833.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, towards making good the Supply which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to grant unto Your Majesty the Sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That there shall and may be issued and applied, for or towards making good the Supply granted to His Majesty for the Service of the Year One thousand eight hundred and thirty-three, the Sum of Six Millions out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, now or for the Time being, or any Three or more of them, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland* for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

There shall be applied, for the Service of the Year 1833, 6,000,000*l.* out of the Consolidated Fund.

The Treasury may cause 6,000,000*l.* of Exchequer Bills to be made out in manner prescribed by 48 G. S. c. 1.

II. And be it further enacted, That it shall and may be lawful for the Commissioners of His Majesty's Treasury, or any Three or more of them, for the Time being, from Time to Time, by Warrant under their Hands, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of His Majesty's Exchequer at *Westminster*, for any Sum or Sums of Money not exceeding in the whole Six Millions, and such Exchequer Bills shall be made out in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are directed and prescribed in and by an Act passed in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*.

The Clauses, &c. in recited Act extended to this Act.

III. And be it further enacted, That all and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said recited Act passed in the Forty-eighth Year of the Reign of His said late Majesty shall be applied and extended to the Exchequer Bills to be made out in pursuance

pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if the said several Clauses, Provisoos, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities had been particularly repeated and re-enacted in the Body of this Act.

IV. And be it further enacted, That the Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Three-pence Halfpenny *per Centum per Diem* upon or in respect of the whole of the Monies respectively contained therein.

Interest on
Exchequer
Bills.

V. And be it further enacted, That the Commissioners of His Majesty's Treasury for the Time being, or any Three or more of them, shall and they are hereby authorized and empowered to cause such Exchequer Bills as shall be made out in pursuance of this Act to be placed as so much Cash in the respective Offices of the Tellers of the Receipt of His Majesty's Exchequer at *Westminster*, each and every of which Tellers shall be severally charged with the Proportion of the said Bills which shall be so placed in his Office respectively as so much Cash, any Law or Usage to the contrary notwithstanding.

Bills to be
placed as so
much Cash in,
the Exchequer;

VI. And be it further enacted, That the said Exchequer Bills in the Hands of the said Tellers shall be locked up and secured as Cash according to the Course of the Receipt of the Exchequer at *Westminster*, and shall be taken and esteemed as so much in part of the Remains in real Money wherewith each of the said Tellers shall from Time to Time stand charged, in common with other the Monies in the said Exchequer, any Law or Usage to the contrary notwithstanding; and it shall be lawful for the said Commissioners of the Treasury to issue and apply the same from Time to Time to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain and Ireland* in this present Session of Parliament.

and may be
applied by the
Treasury.

VII. And be it further enacted, That the Principal Sum or Sums of Money to be contained in all such Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland* in the next succeeding Quarter to that in which the said Exchequer Bills have been issued; and it shall be lawful for the Commissioners of His Majesty's Treasury for the Time being, or any Three or more of them, and they are hereby authorized, from Time to Time, by Warrant under their Hands, to direct the Auditor of the Receipt of the Exchequer at *Westminster*, in such Manner as they shall think necessary, to issue unto such Person or Persons as shall be named in the said Warrant, out of the growing Produce of the said Consolidated Fund of the next succeeding Quarter to that in which the said Exchequer Bills have been issued, any Sum or Sums of Money not exceeding in the whole a Sum sufficient to discharge and pay off the Principal Sum or Sums of Money contained in such Exchequer Bills then outstanding, and which may have been made out and issued by virtue of this Act, together with all such Interest as may be due thereupon.

Exchequer Bills
made chargeable
upon the growing
Produce of the
Consolidated Fund.

VIII. And be it declared and further enacted, That it shall and may be lawful for the Governor and Company of the Bank of *England*,

Bank of Eng-
land may
advance
6,000,000*l.* on

the Credit of
this Act, not-
withstanding
5 & 6 W. & M.
c. 20.

England, and they are hereby empowered, to take, accept, and receive the Exchequer Bills authorized to be made out in pursuance of this Act, and to advance or lend to His Majesty at the Receipt of the Exchequer at *Westminster*, upon the Credit of the Sum granted by this Act out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, any Sum or Sums of Money not exceeding in the whole the Sum of Six Millions, any thing in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against France*, or any other Act or Acts, to the contrary notwithstanding.

Monies coming
into the Exche-
quer by
3 W. 4. c. 1.;

12,000,000*l.* by
Exchequer
Bills,
3 W. 4. c. 2.;

Monies coming
in by
3 W. 4. c. 3.;

Monies coming
in by
3 W. 4. c. 18.;

15,752,650*l.* by
Exchequer
Bills,
3 & 4 W. 4. c. 25.

and 6,000,000*l.*
by this Act,
shall be applied
as hereafter
expressed.

There shall be
applied
4,658,134*l.* for
Naval Services;
viz.

955,220*l.* for
Wages of Offi-
cers, Seamen,
&c. of the Navy,
to 31st March
1834;

IX. And be it further enacted, That all the Monies coming into the Exchequer of *Great Britain* by an Act passed in the present Session of Parliament, intituled *An Act to apply certain Sums to the Service of the Year One thousand eight hundred and thirty-three*; and also the Sum of Twelve Millions granted by one other Act passed in the present Session of Parliament, intituled *An Act for raising the Sum of Twelve Millions by Exchequer Bills, for the Service of the Year One thousand eight hundred and thirty-three*; and also all the Monies to be raised by Exchequer Bills, not exceeding the Sum of Three Millions, by virtue of one other Act passed in the present Session of Parliament, intituled *An Act for continuing to His Majesty, until the Fifth Day of April One thousand eight hundred and thirty-four, certain Duties on Sugar imported into the United Kingdom, and for One Year certain Duties on Personal Estates, Offices, and Pensions in England, for the Service of the Year One thousand eight hundred and thirty-three*; and all the Monies coming into the said Exchequer by one other Act passed in the present Session of Parliament, intituled *An Act to apply the Sum of Six Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and thirty-three*; and also the Sum of Fifteen millions seven hundred fifty-two thousand six hundred and fifty Pounds, granted by one other Act passed in the present Session of Parliament, intituled *An Act for raising the Sum of Fifteen millions seven hundred fifty-two thousand six hundred and fifty Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and thirty-three*; and also the Sum of Six Millions by this Act granted, shall be further appropriated, and are hereby appropriated, and shall be issued and applied for and towards the several Uses and Purposes hereafter expressed.

X. And be it further enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Four millions six hundred fifty-eight thousand one hundred and thirty-four Pounds for and towards the Naval Services herein-after more particularly mentioned; (that is to say,) any Sum or Sums of Money not exceeding Nine hundred fifty-five thousand two hundred and twenty Pounds, to defray the Charge of Wages to the Officers, Seamen, and others of His Majesty's Fleet (including Twenty-seven thousand Men and Royal Marines,) for the Service of the Year ending the Thirty-first Day

Day of *March* One thousand eight hundred and thirty-four, which shall come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and to defray the Charges of the Wages of Officers, Shipkeepers, and Men of Vessels in Ordinary, and of the Crews of Navy Transports, Yard Craft, Hoys, and Tank Vessels, for One Year, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four; and any Sum or Sums of Money not exceeding Four hundred thirty-eight thousand and four Pounds, to defray the Charge for the Purchase of Provisions and Victualling Stores, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four; and any Sum or Sums of Money not exceeding One hundred four thousand and seventy Pounds, to defray the Salaries of the Officers and the contingent Expences of the Admiralty Office, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four; and any Sum or Sums of Money not exceeding Twenty-one thousand seven hundred and twenty-five Pounds, to defray the Salaries of the Officers and the contingent Expences of the Navy Pay Office to the Thirty-first Day of *March* One thousand eight hundred and thirty-four; and any Sum or Sums of Money not exceeding Twenty-two thousand one hundred and nine Pounds, to defray the Salaries of the Officers and the contingent Expences of the several Scientific Departments of the Navy, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four; and any Sum or Sums of Money not exceeding One hundred fourteen thousand nine hundred and seventy Pounds, to defray the Salaries of the Officers and the contingent Expences of His Majesty's Naval Establishments at Home, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four; and any Sum or Sums of Money not exceeding Twenty-three thousand four hundred and twenty-two Pounds, to defray the Salaries of the Officers and the contingent Expences of His Majesty's Naval Establishments Abroad, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four; and any Sum or Sums of Money not exceeding Four hundred thirty-eight thousand four hundred and twenty-six Pounds, to pay the Wages of Artificers, Labourers, and others employed in His Majesty's Naval Establishments at Home, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four; and any Sum or Sums of Money not exceeding Twenty-six thousand nine hundred and five Pounds, to pay the Wages of Artificers, Labourers, and others employed in His Majesty's Naval Establishments Abroad, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four; and any Sum or Sums of Money not exceeding Four hundred and twenty-three thousand Pounds, for the Purchase of Naval Stores for the Building and Repair of Docks, Wharfs, *et cetera*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four; and any Sum or Sums of Money not exceeding Sixty-three thousand seven hundred Pounds, to defray the Charge of new Works and Improvements in the Yards, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four; and any Sum or Sums of Money not exceeding Thirty-one thousand five hundred Pounds, to defray the Charge of Medicines and Medical Stores, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four; and any Sum or Sums of Money

438,004*l.* for Provisions, &c. to 31st *March*, 1834; *

104,070*l.* for Salaries, &c. of the Admiralty Office, ditto;

21,725*l.* for the Navy Pay Office, ditto;

22,109*l.* for the Scientific Departments of the Navy, ditto;

114,970*l.* for Naval Establishments at Home, ditto;

23,422*l.* for Naval Establishments Abroad, ditto;

438,426*l.* for Wages of Artificers at Home, ditto;

26,905*l.* for ditto Abroad;

423,000*l.* for Naval Stores, ditto;

63,700*l.* for new Works, &c. in Yards, ditto;

31,500*l.* for Medicines, &c. ditto;

50,380*l.* for Naval Miscel-

laneous Services, to
31st Mar. 1834;

871,858*l.* for
Naval Half
Pay, ditto;

593,403*l.* for
Military Pen-
sions, ditto;

220,342*l.* for
Civil Pensions,
ditto;

200,800*l.* for
Transports and
Vicuallling of
Troops, &c.
ditto;

118,300*l.* for
conveying
Convicts to
N. S. Wales,
ditto.

There shall also
be applied
6,654,818*l.* 3*s.*
6*d.* for Land
Forces; viz.

3,168,216*l.* 14*s.*
1*d.* for Forces
in U. K. and
Stations Abroad
(except the
E. Indies),
to 31st March
1834;

110,835*l.* 15*s.*
5*d.* for General
Staff Officers,
&c. ditto;

Money not exceeding Fifty thousand three hundred and eighty Pounds, to defray the Expence of divers Naval Miscellaneous Services, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four; and any Sum or Sums of Money not exceeding Eight hundred seventy-one thousand eight hundred and fifty-eight Pounds, to defray the Charge of Half Pay to Officers of the Navy and Royal Marines which shall come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and thirty-four; and any Sum or Sums of Money not exceeding Five hundred thirty-three thousand four hundred and three Pounds, to defray the Charge of Military Pensions and Allowances which shall come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and thirty-four; and any Sum or Sums of Money not exceeding Two hundred twenty thousand three hundred and forty-two Pounds, to defray the Charge of Civil Pensions and Allowances which shall come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and thirty-four; and any Sum or Sums of Money not exceeding Two hundred thousand eight hundred Pounds, to defray the Charge of Transports on Monthly Pay, for One Year, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and to defray the other Charges for the Conveyance and Victualling of Troops, and for the Freight of Stores on account of the Army and Ordnance Departments, which shall come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and thirty-four; and any Sum or Sums of Money not exceeding One hundred eighteen thousand three hundred Pounds, to defray the Expence of conveying Convicts to *New South Wales*, which shall come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and thirty-four.

XI. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Six millions six hundred fifty-four thousand eight hundred and eighteen Pounds Three Shillings and Sixpence Three Farthings, for and towards maintaining His Majesty's Land Forces and other Services herein-after more particularly mentioned; (that is to say,) any Sum or Sums of Money not exceeding Three millions one hundred sixty-eight thousand two hundred and sixteen Pounds Fourteen Shillings and One Penny, for defraying the Charge of His Majesty's Land Forces for Service in the United Kingdom of *Great Britain and Ireland*, and on Stations Abroad (excepting the Regiments employed in the Territorial Possessions of the *East India Company*), for the Year, from the First Day of *April* One thousand eight hundred and thirty-three to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, both Days inclusive; and any Sum or Sums of Money not exceeding One hundred ten thousand eight hundred and thirty-five Pounds Fifteen Shillings and Five-pence, for defraying the Charge of General Staff Officers and Officers of the Hospitals serving with His Majesty's Forces in the United Kingdom of *Great Britain and Ireland*, and on Foreign Stations (excepting *India*), for the Year, from the First Day of *April* One thousand eight hundred and thirty-three to the Thirty-first Day of *March* One thousand

sand

sand eight hundred and thirty-four, both Days inclusive; and any Sum or Sums of Money not exceeding Ninety-four thousand six hundred and twenty-seven Pounds Thirteen Shillings and Sevenpence, for defraying the Charge of the Allowances to the principal Officers of the several Public Departments in *Great Britain and Ireland*, their Deputies, Clerks, and contingent Expences, for the Year, from the First Day of *April* One thousand eight hundred and thirty-three to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, both Days inclusive; and any Sum or Sums of Money not exceeding Eleven thousand eight hundred Pounds, for defraying the Charge of Medicines and Surgical Materials for His Majesty's Land Forces, for the Year, from the First Day of *April* One thousand eight hundred and thirty-three to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, both Days inclusive; and any Sum or Sums of Money not exceeding Thirty-three thousand four hundred and fifteen Pounds Nine Shillings and Ten-pence, for defraying the Charge of His Majesty's Garrisons at Home and Abroad, for the Year, from the First Day of *April* One thousand eight hundred and thirty-three to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, both Days inclusive; and any Sum or Sums of Money not exceeding Fifteen thousand seven hundred and three Pounds Nineteen Shillings, for defraying the Charge of the Royal Military Asylum, for the Year, from the First Day of *April* One thousand eight hundred and thirty-three to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, both Days inclusive; and any Sum or Sums of Money not exceeding One hundred and one thousand three hundred and eighteen Pounds Thirteen Shillings and Two-pence, for defraying the Charge of Volunteer Corps in the United Kingdom of *Great Britain and Ireland*, for the Year, from the First Day of *April* One thousand eight hundred and thirty-three to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, both Days inclusive; and any Sum or Sums of Money not exceeding Seventeen thousand five hundred Pounds, for defraying the Charge of Exchequer Fees in *Great Britain* upon Issues to be made for Army Services, for the Year, from the First Day of *April* One thousand eight hundred and thirty-three to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, both Days inclusive; and any Sum or Sums of Money not exceeding One hundred and nineteen thousand Pounds, for defraying the Charge of the Pay of General Officers in His Majesty's Forces, not being Colonels of Regiments, for the Year, from the First Day of *April* One thousand eight hundred and thirty-three to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, both Days inclusive; and any Sum or Sums of Money not exceeding Eighty-six thousand Pounds, for defraying the Charge of Full Pay for Reduced and Retired Officers of His Majesty's Forces, for the Year, from the First Day of *April* One thousand eight hundred and thirty-three to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, both Days inclusive; and any Sum or Sums of Money not exceeding Six hundred and thirty-two thousand Pounds, for defraying the Charge of Half Pay and Military Allowances to Reduced and Retired Officers of His Majesty's Land Forces, for the Year, from the First Day of *April* One thousand eight hundred

94,627*l.* 13*s.* 7*d.*
for Allowances
to Officers, &c.
of Public
Departments,
to 31st *March*
1834;

11,800*l.* for
Medicines, &c.
for the Forces,
ditto;

33,415*l.* 9*s.*
10*d.* for Garri-
sons, ditto;

15,703*l.* 19*s.*
for Royal mili-
tary Asylum,
ditto;

101,318*l.* 13*s.*
2*d.* for Volun-
teer Corps,
ditto;

17,500*l.* for
Exchequer Fees
upon Issues for
Army Services,
ditto;

119,000*l.* for
certain General
Officers, ditto;

86,000*l.* for
Full Pay for
retired Officers,
ditto;

632,000*l.* for
Half Pay, ditto;

86,480*l.* for
Half Pay, &c.
to Officers of
disbanded Fo-
reign Corps,
to 31st *March*
1894;

145,944*l.* for
Pensions to
Widows, ditto ;

170,516*l.* for
Compassionate
List, &c. ditto ;

1,211,746*l.* 9*s.*
2*d.* for In-
Pensioners of
Chelsea and *Kil-*
mainham, ditto ;

51,374*l.* 3*s.* 6*d.*
for Superannua-
tions in Public
Departments,
ditto ;

12,500*l.* for
Exchequer Fees
upon certain
Issues, ditto ;

243,550*l.* 2*s.*
7½*d.* for Dis-
embodied,
Regular, and
Local Militia,
ditto ;

290,305*l.* 7*s.*
10*d.* for the

hundred and thirty-three to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, both Days inclusive ; and any Sum or Sums of Money not exceeding Eighty-six thousand four hundred and eighty Pounds, for defraying the Charge of Half Pay and Reduced Allowances to Officers of disbanded Foreign Corps, of Pensions to wounded Foreign Officers, and of Allowances to the Widows and Children of deceased Foreign Officers, for the Year, from the First Day of *April* One thousand eight hundred and thirty-three to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, both Days inclusive ; and any Sum or Sums of Money not exceeding One hundred forty-five thousand nine hundred and forty-four Pounds, for defraying the Charge of Pensions to be paid to the Widows of Officers of His Majesty's Land Forces, for the Year, from the First Day of *April* One thousand eight hundred and thirty-three to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, both Days inclusive ; and any Sum or Sums of Money not exceeding One hundred seventy thousand five hundred and sixteen Pounds, for defraying the Charge of Allowances on the Compassionate List, of Allowances as of His Majesty's Royal Bounty, and of Pensions, Gratuities, and Allowances to Officers for Wounds, for the Year, from the First Day of *April* One thousand eight hundred and thirty-three to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, both Days inclusive ; and any Sum or Sums of Money not exceeding One million two hundred eleven thousand seven hundred and forty-six Pounds Nine Shillings and Two-pence, for defraying the Charge of *Chelsea* and *Kilmainham* Hospitals, of the In-Pensioners of those Establishments, and of the Out-Pensioners of *Chelsea* Hospital, for the Year, from the First Day of *April* One thousand eight hundred and thirty-three to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, both Days inclusive ; and any Sum or Sums of Money not exceeding Fifty-one thousand three hundred and seventy-four Pounds Three Shillings and Sixpence, for defraying the Charge of Allowances, Compensations, and Emoluments, in the Nature of Superannuation or Retired Allowances, to Persons formerly belonging to the several Public Departments in the United Kingdom of *Great Britain* and *Ireland*, for the Year, from the First Day of *April* One thousand eight hundred and thirty-three to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, both Days inclusive ; and any Sum or Sums of Money not exceeding Twelve thousand five hundred Pounds, for defraying the Charge of Exchequer Fees upon Issues to be made for non-effective Army Services, for the Year, from the First Day of *April* One thousand eight hundred and thirty-three to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, both Days inclusive ; and any Sum or Sums of Money not exceeding Two hundred forty-three thousand five hundred and fifty Pounds Two Shillings and Seven-pence Three Farthings, for defraying the Charge of the Disembodied Militia of the United Kingdom of *Great Britain* and *Ireland*, and for the Allowances and Pensions to Officers and Men of the Regular and Local Militia, for the Year, from the First Day of *April* One thousand eight hundred and thirty-three to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, both Days inclusive ; and any Sum or Sums of Money not exceeding

exceeding Two hundred ninety thousand three hundred and five Pounds Seven Shillings and Ten-pence, to defray the Charge of the Commissariat Department, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four; and any Sum or Sums of Money not exceeding Fifty-one thousand nine hundred and eighty-three Pounds Fifteen Shillings and Four-pence, to defray the Expence of the Half Pay of Commissariat Officers, and for Superannuations and Retired Allowances, also for the Pensions of Widows of Commissariat Officers, and Compassionate Allowances to their Children; to the Thirty-first Day of *March* One thousand eight hundred and thirty-four.

XII. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding One million four hundred sixty-two thousand two hundred and twenty-three Pounds, for and towards the Ordnance Services herein-after more particularly mentioned; (that is to say,) any Sum or Sums of Money not exceeding Seventy-one thousand nine hundred and ninety-six Pounds, for defraying the Salaries to the Master General and the principal Officers and Clerks belonging to the Office of Ordnance at the *Tower, Pall Mall, Tooley Street, and Dublin*, for the Year One thousand eight hundred and thirty-three—four; and any Sum or Sums of Money not exceeding Eight thousand nine hundred and sixty-five Pounds, for defraying the Salaries to the Departments of the Office of Ordnance at *Woolwich*, for the Year One thousand eight hundred and thirty-three—four; and any Sum or Sums of Money not exceeding Fourteen thousand nine hundred and nineteen Pounds, for defraying the Salaries of the Establishments of the Office of Ordnance at the Home Stations, for the Year One thousand eight hundred and thirty-three—four; and any Sum or Sums of Money not exceeding Twenty-six thousand eight hundred and seventy-one Pounds, for defraying the Salaries of the Establishments of the Office of Ordnance at the Out Stations in *Ireland*, and Foreign Stations, for the Year One thousand eight hundred and thirty-three—four; and any Sum or Sums of Money not exceeding Thirty-seven thousand seven hundred and three Pounds, for defraying the Salaries to the several Barrack Masters, Deputy Barrack Masters, and Barrack Serjeants, in *Great Britain, Ireland*, and the Colonies, for the Year One thousand eight hundred and thirty-three—four; and any Sum or Sums of Money not exceeding Five thousand and ten Pounds, for defraying the Expence of Master Gunners at the Garrisons and Batteries in *Great Britain, Guernsey, Jersey, and Ireland*, for the Year One thousand eight hundred and thirty-three—four; and any Sum or Sums of Money not exceeding Eighty thousand and nineteen Pounds, for defraying the Expence of the Corps of Royal Engineers, the Corps of Royal Sappers and Miners, and of the Establishment for the Instruction of Royal Sappers and Miners, for *Great Britain, Ireland*, and the Colonies, for the Year One thousand eight hundred and thirty-three—four; and any Sum or Sums of Money not exceeding Two hundred seventy-seven thousand one hundred and fifty-six Pounds, for defraying the Expence of the Royal Regiment of Artillery for *Great Britain, Ireland*, and the Colonies, for the Year One thousand eight hundred and thirty-three—four; and any Sum or Sums of Money not exceeding

Commissariat,
to 31st *March*
1834;

51,983*l.* 15*s.*
4*d.* for Half
Pay and Pen-
sions of Com-
missariat, ditto;

1,462,223*l.* for
Ordnance De-
partment, viz.

71,996*l.* for
Ordnance at
the *Tower*, &c.
for 1833-4;

8,965*l.* for the
Departments
at *Woolwich*,
ditto;

14,919*l.* for
Ordnance Es-
tablishments at
Home, ditto;

26,871*l.* for
those Abroad
and in *Ireland*,
ditto;

37,703*l.* for
the Barrack
Department,
ditto;

5,010*l.* for
Master Gun-
ners, ditto;

80,019*l.* for the
Corps of Royal
Engineers,
Sappers, &c.,
ditto;

277,156*l.* for
the Royal Re-
giment of Ar-
tillery, ditto;

35,982*l.* for
Brigade of

Royal Horse
Artillery, for
1833-4 ;

584*l.* for Field
Train Depart-
ment, ditto ;

9,866*l.* for the
Medical Estab-
lishment of the
Ordnance, ditto ;

35,934*l.* for Su-
perintendence,
Repairs, &c.,
ditto ;

85,104*l.* for the
Extraordinaries
of the Ordnance,
ditto ;

25,587*l.* for
building Bar-
racks, ditto ;

68,384*l.* for
Ordnance Ex-
traordinaries,
ditto ;

65,792*l.* for Bar-
rack Masters
Expenditure,
ditto ;

129,719*l.* for
Military, Civil,
and Barrack
Contingencies,
ditto ;

83,000*l.* for the
Ordnance and
Military Store
Branch, ditto ;

20,000*l.* for
for Fo-

ceeding Thirty-five thousand nine hundred and eighty-two Pounds, for defraying the Expence of the Brigade of Royal Horse Artillery, and also for the Riding House Troop, for *Great Britain and Ireland*, for the Year One thousand eight hundred and thirty-three—four ; and any Sum or Sums of Money not exceeding Five hundred and eighty-four Pounds, for defraying the Expence of the Director General of Artillery and Field Train Department, for the Year One thousand eight hundred and thirty-three—four ; and any Sum or Sums of Money not exceeding Nine thousand eight hundred and sixty-six Pounds, for defraying the Expence of the Medical Establishment for the Military Department of the Ordnance in *Great Britain, Ireland*, and the Colonies, for the Year One thousand eight hundred and thirty-three—four ; and any Sum or Sums of Money not exceeding Thirty-five thousand nine hundred and thirty-four Pounds, for defraying the Charge for the Superintendence of Ordnance Works and Repairs in *Great Britain, Ireland*, and the Colonies, for the Year One thousand eight hundred and thirty-three—four ; and any Sum or Sums of Money not exceeding Eighty-five thousand one hundred and four Pounds, for defraying the Extraordinaries of the Office of Ordnance, for the Year One thousand eight hundred and thirty-three—four, on account of Ordnance Works and Repairs, and Storekeepers Expenditure, in *Great Britain, Ireland*, and the Colonies, after deducting Ninety-five thousand three hundred Pounds for Rents, Sale of old Stores, and unexpended Sums of former Grants, and Ten thousand Pounds voted in the Supplementary Estimate last Year for Stores for Foreign Works and Repairs ; and any Sum or Sums of Money not exceeding Twenty-five thousand five hundred and eighty-seven Pounds, for defraying the Charge for the Superintendence of the Building and Repair of Barracks in *Great Britain, Ireland*, and the Colonies, for the Year One thousand eight hundred and thirty-three—four ; and any Sum or Sums of Money not exceeding Sixty-eight thousand three hundred and eighty-four Pounds, for defraying the Extraordinaries of the Office of Ordnance, for the Year One thousand eight hundred and thirty-three—four, on account of the Building and Repair of Barracks in *Great Britain, Ireland*, and the Colonies, after deducting Forty-six thousand seven hundred Pounds for Rent of Canteens, *et cetera*, and Ten thousand Pounds voted in the Supplementary Estimate last Year for Stores for the Building and Repair of Foreign Barracks ; and any Sum or Sums of Money not exceeding Sixty-five thousand seven hundred and ninety-two Pounds, for defraying the Charge for Barrack Masters Expenditure, Allowances to Barrack Masters, and Lodging Money to Officers and others, in *Great Britain, Ireland*, and the Colonies, for the Year One thousand eight hundred and thirty-three—four ; and any Sum or Sums of Money not exceeding One hundred twenty-nine thousand seven hundred and nineteen Pounds, for defraying the Charge for Military, Civil, and Barrack Contingencies in *Great Britain, Ireland*, and the Colonies, for the Year One thousand eight hundred and thirty-three—four ; and any Sum or Sums of Money not exceeding Eighty-three thousand Pounds, for defraying the Charge for Stores for Ordnance and Military Store Branch Services in *Great Britain, Ireland*, and the Colonies, for the Year One thousand eight hundred and thirty-three—four ; and any Sum or

or Sums of Money not exceeding Twenty thousand Pounds, for defraying the Charge on account of Stores, for the Year ending the Thirty-first Day of *March* One thousand eight hundred and thirty-five, required for Foreign Works and Repairs; and any Sum or Sums of Money not exceeding Twenty-three thousand eight hundred and eighty-nine Pounds, for defraying the Expence of Services performed by the Office of Ordnance, and not provided for by Parliament, in the Year One thousand eight hundred and thirty-two—three; and any Sum or Sums of Money not exceeding Three hundred forty-six thousand five hundred and sixty-four Pounds, for the Charge of the Office of Ordnance in *Great Britain and Ireland* on account of the Allowances to Superannuated, Retired, and Half Pay Officers, to disabled Men, also for Pensions to Widows and Children of deceased Officers late belonging to the several Ordnance Military Corps, also for the Charge of Allowances, Compensations, and Emoluments in the Nature of Superannuated or Retired Allowances to Persons late belonging to the Office of Ordnance and to the Barrack Department, in respect of their having held any Public Offices or Employments of a Civil Nature, and also for Pensions to Widows, for the Year One thousand eight hundred and thirty-three—four; and any Sum or Sums of Money not exceeding Two thousand one hundred and seventy-nine Pounds, for defraying the Expences of Sums to be paid at the Treasury and at the Exchequer for Fees on the Amount of the Ordnance Estimates, for the Year One thousand eight hundred and thirty-three—four; and any Sum or Sums of Money not exceeding Seven thousand Pounds, for defraying the Charges as under mentioned; *videlicet*, for perfecting the Fortifications for the Coast Defences of the Island of *Jersey*, Two thousand Pounds, towards the Erection of a Citadel upon the *Petite Montagne* in the Island of *Mauritius*, for the Improvement of the Defences of the Colony, Five thousand Pounds.

XIII. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Twenty-five millions eight hundred ninety-six thousand six hundred Pounds, to pay off and discharge Exchequer Bills, and that the same be issued and applied towards paying off and discharging any Exchequer Bills charged on the Aids or Supplies of the Years One thousand eight hundred and thirty-two or One thousand eight hundred and thirty-three now remaining unpaid and unprovided for.

XIV. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Two hundred seventy-four thousand and fifty Pounds, to pay off and discharge Exchequer Bills issued pursuant to several Acts for carrying on Public Works and Fisheries, and for building additional Churches, outstanding and unprovided for.

XV. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding One million five hundred and eighty-two thousand Pounds, to pay off and discharge Exchequer Bills issued in pursuance of an Act passed in the Eleventh Year of the Reign of His late Majesty, for the Payment of the Pro-

reign Works, to
31 Mar. 1835;

23,899*l.* for
Ordnance Ser-
vices, for
1832-33;

346,564*l.* for
Ordnance
Superannua-
tions, Retired
Allowances,
Pensions, &c.
for 1833-4;

2,179*l.* for
Exchequer
Fees, ditto;

7,000*l.* for For-
tifications, &c. at
Jersey and *Petite
Montagne*.

There shall
be issued
25,896,600*l.*
to pay off Ex-
chequer Bills
charged on the
Aids of 1832
or 1833;

and also
274,050*l.* to pay
off Exchequer
Bills for carry-
ing on Public
Works, &c.;

and also
1,582,000*l.* to
pay off Exche-
quer Bills
issued pursuant
to 11 G. 4. c. 13.

prietors of Four Pounds *per Centum* Annuities in *England* and *Ireland* who signified their Dissent to transferring such Annuities into Three Pounds Ten Shillings *per Centum* Annuities, outstanding and unprovided for on the Fifth Day of *January* One thousand eight hundred and thirty-three.

2,140*l.* for Civil
Establishment
of the *Bahama*
Islands, to
31 *Mar.* 1834;

4,249*l.* 19*s.* 4*d.*
for *Bermuda*,
to 1st *April*
1834;

3,220*l.* for
Prince Edward's
Island, to
31st *March*
1834;

12,861*l.* for
Newfoundland,
ditto;

17,393*l.* 16*s.*
for *Western*
Africa, ditto;

18,700*l.* 18*s.* 6*d.*
for Ecclesiastical
Establishment
of *British North*
American Pro-
vinces, &c. ditto;

6,290*l.* 19*s.* 6*d.*
for *Western*
Australia, ditto;

20,000*l.* for the
Indian Depart-
ment in *Upper*
and *Lower*
Canada, ditto.

3,000,000*l.* shall
be applied for
Supplies of
1832;

XVI. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Two thousand one hundred and forty Pounds, to defray the Charge of the Civil Establishment of the *Bahama Islands*, and the incidental Charges attending the same, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Four thousand two hundred and forty-nine Pounds Thirteen Shillings and Four-pence, to defray the Charge of the Civil Establishment of the *Bermuda Islands*, to the First Day of *April* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Three thousand two hundred and twenty Pounds, to defray the Charge of the Civil Establishment of *Prince Edward's Island*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Twelve thousand eight hundred and sixty-one Pounds, to defray the Charge of the Civil Establishment of *Newfoundland*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Seventeen thousand three hundred and ninety-three Pounds Sixteen Shillings, to defray the Charge of the Civil Establishments of the Settlements in *Western Africa*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Eighteen thousand seven hundred Pounds Eighteen Shillings and Sixpence, to defray the Charge of the Ecclesiastical Establishments of the *British North American* Provinces, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Six thousand two hundred and ninety Pounds Nineteen Shillings and Sixpence, to defray the Charges of the Settlement in *Western Australia*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Twenty thousand Pounds, to defray the Charge of the Establishment of the *Indian* Department in *Upper* and *Lower Canada*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever.

XVII. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Three Millions, to discharge

discharge the like Amount of Supplies granted for the Service of the Year One thousand eight hundred and thirty-two, or of any preceding Year; and any Sum or Sums of Money not exceeding Thirty thousand five hundred Pounds, to pay the Allowances and Expences of the Barristers employed in the Year One thousand eight hundred and thirty-two in revising Lists of Voters under the Act of His present Majesty for amending the Representation of the People in *England and Wales*, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Sixteen thousand eight hundred and forty-four Pounds, to defray the estimated Expences of the *British Museum*, for the Year ending at *Christmas* One thousand eight hundred and thirty-three, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Two thousand six hundred and twenty-five Pounds, to pay *Mr. Marshall* for One thousand two hundred and fifty Copies of his Digest of the Accounts and Papers presented to Parliament since One thousand seven hundred and ninety-nine, for the Use of the Members of the House of Commons and for the Public Service; and any Sum or Sums of Money not exceeding One hundred thousand Pounds, towards defraying the Charge of Civil Contingencies, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four; and any Sum or Sums of Money not exceeding Forty thousand Pounds, to make good the Sum required to defray the Charge for Civil Contingencies, for One Year, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four; and any Sum or Sums of Money not exceeding Forty-three thousand three hundred and seventy Pounds, to defray, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, the Expence of Works and Repairs of Public Buildings, and for Furniture and other Charges of Public Offices and Departments, for certain Charges for lighting and watching, and for the Maintenance and Repairs of Royal Palaces, and Works in the Royal Gardens, heretofore charged upon the Civil List, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Two thousand six hundred and seventy-one Pounds, to defray, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, the Expence of completing certain Alterations and Additions to His Majesty's Palace at *Brighton*, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Fifteen thousand seven hundred and twenty Pounds, to defray the Expence of Works and Repairs at the Harbour of *Kingstown*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Two thousand four hundred and ninety-nine Pounds, to defray the Expence of Works at *Port Patrick* Harbour, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Four thousand five hundred and fifty-six Pounds, to defray the Expence of Works at *Donaghadee* Harbour, for the Year

30,500*l.* to Barristers, for revising Lists of Voters in 1832;

16,844*l.* for the *British Museum*, to *Christmas* 1833;

2,625*l.* to *Mr. Marshall* for 1,250 Copies of his Digest;

100,000*l.* and 40,000*l.* for Civil Contingencies, to 31st *March* 1834;

43,370*l.* for Repairs of Public Buildings and Furniture of Public Offices, ditto;

2,671*l.* for Alterations in the Palace at *Brighton*, ditto;

15,720*l.* for *Kingstown* Harbour, ditto;

2,499*l.* for *Port Patrick* Harbour, ditto;

4,556*l.* for *Donaghadee* Harbour for 1833;

3,951*l.* for *Holyhead Road, &c.* to 5th *April* 1834;

24,000*l.* for new Buildings at the *British Museum*, to 31 *Mar.* 1834 ;
40,000*l.* for *Windsor Castle*, ditto ;

1,800*l.* for Fittings for State Paper Office, ditto ;

8,422*l.* for Pier at *Hobbs Point*, ditto ;

1,544*l.* for building Churches in the Highlands, &c. of *Scotland* ;

10,000*l.* for erecting a National Gallery, to 31 *Mar.* 1834 ;

45,309*l.* for the Officers of the Houses of Lords and Commons, for 1835 ;

26,200*l.* for the Expences of both Houses, to 31 *Mar.* 1834.

39,800*l.* for Fee Fund at the Treasury, ditto ;

10,743*l.* for Ditto at Home Office, ditto ;

One thousand eight hundred and thirty-three, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever ; and any Sum or Sums of Money not exceeding Three thousand nine hundred and fifty-one Pounds, to defray the Expences of the *Holyhead* and *Liverpool* Roads, and *Holyhead* and *Howth* Harbours, for One Year, from the Fifth Day of *April* One thousand eight hundred and thirty-three, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever ; and any Sum or Sums of Money not exceeding Twenty-four thousand Pounds, to defray the Charge of the new Buildings at the *British Museum*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever ; and any Sum or Sums of Money not exceeding Forty thousand Pounds, to defray the Expence of Repairs and Alterations at *Windsor Castle*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever ; and any Sum or Sums of Money not exceeding One thousand eight hundred Pounds, to defray the Charge of interior Fittings for the new State Paper Office, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever ; and any Sum or Sums of Money not exceeding Eight thousand four hundred and twenty-two Pounds, to complete the Pier at *Hobbs Point* near *Pembroke*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever ; and any Sum or Sums of Money not exceeding One thousand five hundred and forty-four Pounds, for the Charge of the Commissioners for building additional Churches in the Highlands and Islands of *Scotland*, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever ; and any Sum or Sums of Money not exceeding Ten thousand Pounds, to defray the Expence of erecting a National Gallery, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever ; and any Sum or Sums of Money not exceeding Forty-five thousand three hundred and nine Pounds, to defray the Charge of those Salaries of the Officers of the House of Lords and of the House of Commons, and of the Pensions for retired Officers of the Two Houses, which are paid at the Treasury, and also of the Amount which will be required in aid of the Fee Funds of the Two Houses, for the Year One thousand eight hundred and thirty-three ; and any Sum or Sums of Money not exceeding Twenty-six thousand two hundred Pounds, to defray the Expences of the House of Lords and of the House of Commons, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four ; and any Sum or Sums of Money not exceeding Thirty-nine thousand eight hundred Pounds, to make good the Deficiency of the Fee Fund in the Department of His Majesty's Treasury, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four ; and any Sum or Sums of Money not exceeding Ten thousand seven hundred and forty-three Pounds, to make good the Deficiency of the Fee Fund in the Office of His Majesty's Secretary

Secretary of State for the Home Department, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four; and any Sum or Sums of Money not exceeding Thirteen thousand four hundred and two Pounds, to make good the Deficiency of the Fee Fund in the Department of His Majesty's Secretary of State for Foreign Affairs, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four; and any Sum or Sums of Money not exceeding Twelve thousand two hundred and seventy-five Pounds Twelve Shillings and Three-pence, to make good the Deficiency of the Fee Fund in the Department of His Majesty's Secretary of State for the Colonies, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four; and any Sum or Sums of Money not exceeding Thirteen thousand five hundred Pounds, to make good the Deficiency of the Fee Fund in the Departments of His Majesty's Most Honourable Privy Council and Committee of Privy Council for Trade, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four; and any Sum or Sums of Money not exceeding Two thousand Pounds, to defray the Charge of the Salary of the Lord Privy Seal, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Seven thousand five hundred Pounds, to defray the contingent Expences and Messengers Bills in the Department of His Majesty's Treasury, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Thirty-nine thousand six hundred Pounds, to defray the contingent Expences and Messengers Bills in the Department of His Majesty's Secretary of State for Foreign Affairs, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Six thousand two hundred and eighty-four Pounds, to defray the contingent Expences and Messengers Bills in the Office of His Majesty's Secretary of State for the Home Department, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Five thousand six hundred Pounds, to defray the contingent Expences and Messengers Bills in the Department of His Majesty's Secretary of State for the Colonies, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Five thousand four hundred and fifty-three Pounds, to defray the contingent Expences and Messengers Bills in the Departments of His Majesty's Most Honourable Privy Council and Committee of Privy Council for Trade, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Four thousand three hundred and sixty-six Pounds, to defray the Expences of Messengers attending the First Lord of the Treasury and Chancellor

13,402*l.* at the Foreign Office, to 31st *March* 1834;

12,275*l.* 12*s.* 3*d.* at the Colonial Office, ditto;

13,500*l.* at the Privy Council Office, ditto;

2,000*l.* for Salary to the Lord Privy Seal, ditto;

7,500*l.* for Contingencies at the Treasury, ditto;

39,600*l.* for Contingencies in the Foreign Department, ditto;

6,284*l.* in the Home Department, ditto;

5,600*l.* in the Colonial Department, ditto;

5,453*l.* for Contingencies at the Privy Council, &c. ditto;

4,366*l.* for Messengers at the Treasury and Exchequer, ditto;

1,264*l.* for certain Professors at *Oxford* and *Cambridge*, to 31 *Mar.* 1834;

12,300*l.* for Insolvent Debtors Court, ditto;

1,583*l.* for Superintendence of Aliens, &c. ditto;

8,600*l.* for the Penitentiary at *Milbank*, ditto;

1,514*l.* for Office of Registry of Colonial Slaves, ditto;

4,570*l.* for Expences of State Paper Office, &c. ditto;

7,097*l.* for Commissioners of Common Law Inquiry, for 1833;

16,500*l.* for Commissioners for preventing the Slave Trade, &c. to 31st *March* 1834;

78,075*l.* for Salaries of Consuls, ditto;

of the Exchequer, the Four Patent Messengers of the Court of Exchequer, and various ancient Allowances to the Officers of that Court, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four; and any Sum or Sums of Money not exceeding One thousand two hundred and sixty-four Pounds, to defray the Charge of the Salaries and Allowances granted to certain Professors in the Universities of *Oxford* and *Cambridge*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Twelve thousand three hundred Pounds, to pay the Salaries of the Commissioners of the Insolvent Debtors Court, and of their Clerks, the contingent Expences of the Court and Office, and also the Expences attendant upon their Circuits, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding One thousand five hundred and eighty-three Pounds, to pay the Salaries of the Officers and the contingent Expences of the Office for the Registration of Aliens, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Eight thousand six hundred Pounds, to defray the Charge of the Penitentiary at *Milbank*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four; and any Sum or Sums of Money not exceeding One thousand five hundred and fourteen Pounds, to make good the Deficiency of the Fees in the Office of Registry of Slaves in the Colonies, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four; and any Sum or Sums of Money not exceeding Four thousand five hundred and seventy Pounds, to defray the Salaries and other Expences of the State Paper Office, the Office for the Custody of Records in the *Tower*, and the Office for the Custody of the Records in the Chapter House, *Westminster*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four; and any Sum or Sums of Money not exceeding Seven thousand and ninety-seven Pounds, to defray, in the Year One thousand eight hundred and thirty-three, the Expences of the Commissioners appointed to inquire into the Practice and Proceedings of the Superior Courts of Common Law, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Sixteen thousand five hundred Pounds, to pay, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, the Salaries and the incidental Expences of the Commissioners appointed on the Part of His Majesty under the Treaties with Foreign Powers for preventing the illegal Traffic in Slaves, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Seventy-eight thousand and seventy-five Pounds, to pay the Salaries of His Majesty's Consuls General, Consuls, and Vice Consuls, and also the contingent Charges and Expences connected with their public Duties and Establishments, to the Thirty-first Day of *March* One thousand eight hundred

hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Thirteen thousand one hundred and fifty Pounds, to defray the Charge of the Salaries and the contingent and travelling Expences of the Commissioners for inquiring into Charities, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Fifty-five thousand nine hundred and sixty-seven Pounds, to defray the Charge of Retired Allowances or Superannuations to Persons formerly employed in the Public Offices or Departments, or in the Public Service, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Eleven thousand one hundred and twelve Pounds, to enable His Majesty to grant Relief, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, to *Toulonese* and *Corsican* Emigrants, *Dutch* Naval Officers, *Saint Domingo* Sufferers, *American* Loyalists, and others who have heretofore received Allowances from His Majesty, and who for Services performed or Losses sustained in the *British* Service have special Claims upon His Majesty's Justice and Liberality, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Two thousand two hundred Pounds, to defray the Expence of the National Vaccine Establishment, for the Year One thousand eight hundred and thirty-three, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Three thousand Pounds, for the Support of the Institution called the Refuge for the Destitute, for the Year One thousand eight hundred and thirty-three, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Two thousand six hundred and ninety-eight Pounds, to defray the Expence of confining and maintaining Criminal Lunatics, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Four thousand nine hundred and ninety Pounds, to defray, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, the usual Allowances to Protestant Dissenting Ministers in *England*, poor *French* Refugee Clergy, poor *French* Refugee Laity, and sundry small charitable and other Allowances to the Poor of *Saint Martin's in the Fields*, and others, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Thirty-nine thousand four hundred Pounds, to defray the Charge of His Majesty's Foreign and other Secret Services, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Fifty-six thousand Pounds, to defray the Expence of printing Acts of Parliament, Bills, Reports, and other

13,150*l.* for Commissioners for enquiring into Charities, &c. to 31st *Mar.* 1834;

55,967*l.* for retired Allowances to Public Officers, ditto;

11,112*l.* for Relief to *Toulonese* and *Corsican* Emigrants, *Dutch* Naval Officers and *St. Domingo* Sufferers, &c. ditto;

2,200*l.* for the Vaccine Establishment, for 1833;

3,000*l.* for the Refuge for the Destitute, ditto;

2,698*l.* for maintaining Criminal Lunatics, to 31st *March* 1834;

4,990*l.* for Dissenting Ministers, poor *French* Refugee Clergy, &c. ditto;

39,400*l.* for Secret Services, ditto;

56,000*l.* for printing for Parliament, ditto;

113,988*l.* for Stationery, &c. for Public Departments, and for Paper for printing for Parliament ;

31,700*l.* for the Mint, to 31st March 1834 ;

8,000*l.* for Prosecutions relating to the Coin, ditto ;

15,000*l.* for Law Charges, ditto ;

89,654*l.* for maintaining Convicts at Home and in *Bermuda*, &c., ditto ;

25,000*l.* for Support of captured Negroes, ditto ;

130,000*l.* for Convicts at *New South Wales*, &c., ditto ;

8,000*l.* for Commissioners on Public Records, ditto ;

3,646*l.* 13*s.* 9*d.* for the Purchase of certain Pensions granted by *Charles II.* ;

2,000*l.* for a Voyage to the Polar Regions, in 1833 ;

Papers for the Two Houses of Parliament, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four ; and any Sum or Sums of Money not exceeding One hundred and thirteen thousand nine hundred and eighty-eight Pounds, to defray the Expence of providing Stationery, Printing, and Binding for the several Departments of Government in *England* and *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and also for providing Paper for the Printing which may be ordered in the Session One thousand eight hundred and thirty-four for the Two Houses of Parliament, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever ; and any Sum or Sums of Money not exceeding Thirty-one thousand seven hundred Pounds, to defray the Expences of the Mint in the Coinage of Gold and Re-coinage of Silver, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four ; and any Sum or Sums of Money not exceeding Eight thousand Pounds, to defray the Expences that may be incurred for Prosecutions for Offences against the Laws relating to Coin, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four ; and any Sum or Sums of Money not exceeding Fifteen thousand Pounds, to defray the Expence of Law Charges, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four ; and any Sum or Sums of Money not exceeding Eighty-nine thousand six hundred and fifty-four Pounds, to defray the Expence of confining, maintaining, and employing Convicts at Home and in *Bermuda*, and in providing Clothing for the Convicts who may probably be transported to *New South Wales* and *Van Diemen's Land*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever ; and any Sum or Sums of Money not exceeding Twenty-five thousand Pounds, to defray the Expences for the Support of captured Negroes and liberated *Africans*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever ; and any Sum or Sums of Money not exceeding One hundred and thirty thousand Pounds, to defray the Charge of maintaining Convicts at *New South Wales* and *Van Diemen's Land*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever ; and any Sum or Sums of Money not exceeding eight thousand Pounds, to defray the Expences incurred under the Direction of the Commissioners of Records, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever ; and any Sum or Sums of Money not exceeding Three thousand six hundred and forty-six Pounds Thirteen Shillings and Nine-pence, for the Purchase of the Pensions granted by King *Charles* the Second to Colonel *Fairfax* and his Heirs for ever, and to the Heirs of *Nicholas Yates* and their Heirs for ever, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever ; and any Sum or Sums of Money not exceeding Two thousand Pounds, in aid of the Expences of a Voyage of Discovery to the Polar Regions, in the Year One thousand eight hundred and thirty-three, and that the said Sum be issued and paid without

without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Two thousand five hundred Pounds, to defray, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, the Charge of a Grant to Mr. *Morton* on account of his Invention of a Patent Slip, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Five thousand Pounds, to defray the Expence, in the Year One thousand eight hundred and thirty-three, of paying the Fees due and payable to the Officers of the Parliament on all Bills for continuing or amending any Acts for making or maintaining, keeping in repair, or improving Turnpike Roads, which shall pass the Two Houses of Parliament and receive the Royal Assent, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Forty thousand Pounds, on account of the *Rideau* Canal, and the Canals on the *Ottawa*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Fourteen thousand five hundred and sixty-seven Pounds, to defray the Charge of Salaries to Governors, Lieutenant Governors, and others, in His Majesty's *West India* Colonies, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Two thousand six hundred and thirty Pounds, to complete the external Repairs of *Whitehall* Chapel, and for the Repair, Painting, and other Works necessary for the Restoration of the Interior of the same, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Fifteen thousand three hundred Pounds, to defray the Expence, in the Year One thousand eight hundred and thirty-three, of the Commissioners appointed to inquire into the existing State of Municipal Corporations in *Great Britain* and *Ireland*, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Ten thousand Pounds, to defray, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, the Expences of erecting Lighthouses on the Eastern Side of the *Bahama Straits*, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Twenty thousand Pounds, in aid of private Subscriptions for the Erection of Schoolhouses for the Education of the Children of the poorer Classes in *Great Britain*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Fifty-seven thousand two hundred and twenty-seven Pounds Six Shillings and Four-pence, to defray Miscellaneous Charges for *Scotland*, from the Thirty-first Day of *March* One thousand eight hundred and thirty-three to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever.

2,500*l.* to Mr. *Morton* for his Patent Slip, to 31st *March* 1834;

5,000*l.* for Fees for Turnpike Acts, in 1833;

40,000*l.* for *Rideau* and *Ottawa* Canals, to 31st *March* 1834;

14,567*l.* for Salaries to Governors, &c. in the *West India* Colonies, ditto;

2,630*l.* for Repairs of *Whitehall* Chapel;

15,300*l.* for Commissioners for inquiring into Municipal Corporations, in 1833;

10,000*l.* for erecting Lighthouses on the *Bahama Straits*, to 31st *Mar.* 1834;

20,000*l.* for Erection of Schoolhouses in *Great Britain*, ditto;

57,227*l.* 6*s.* 4*d.* for Miscellaneous Charges for *Scotland*, ditto;

25,000*l.* for
Education in
Ireland, to 31st
March 1834;

22,000*l.* for the
Foundling
Hospital,
Dublin, ditto;

19,609*l.* for the
House of In-
dustry, &c. ditto;

650*l.* for the
Hibernian
Marine Society,
ditto;

1,046*l.* for the
Female Orphan
House, *Dublin*,
ditto;

2,764*l.* for the
Westmoreland
Lock Hospital,
ditto;

1,500*l.* for the
Lying-in Hos-
pital, ditto;

1,500*l.* for
Dr. *Steven's*
Hospital, ditto;

3,800*l.* for the
Fever Hospital,
&c., ditto;

500*l.* for Hos-
pital for Incu-
rables, ditto;

8,928*l.* for
Roman Catholic
College in
Ireland, ditto;

XVIII. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Twenty-five thousand Pounds, to enable the Lord Lieutenant of *Ireland* to issue Money for the Advancement of Education, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Twenty-two thousand Pounds, to defray the Expence of the Foundling Hospital in *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Nineteen thousand six hundred and nine Pounds, to defray the Expence of the House of Industry in *Dublin*, the Lunatic Department, and the Three General Hospitals attached, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Six hundred and fifty Pounds, to defray the Expence of the *Hibernian* Marine Society in *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding One thousand and forty-six Pounds, to defray the Expence of the Female Orphan House in *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Two thousand seven hundred and sixty-four Pounds, to defray the Expence of the *Westmoreland* Lock Hospital, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding One thousand five hundred Pounds, to defray the Expence of the Lying-in Hospital, *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding One thousand five hundred Pounds, to defray the Expence of Doctor *Steven's* Hospital, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Three thousand eight hundred Pounds, to defray the Expence of the Fever Hospital and House of Recovery, *Cork Street, Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Five hundred Pounds, to defray the Expence of the Hospital for Incurables, near *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Eight thousand nine hundred and twenty-eight Pounds, to defray the Expence of the Roman Catholic

College in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Five thousand three hundred Pounds, to defray the Expence of the Royal *Dublin* Society, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Three hundred Pounds, to defray the Expence of the Royal *Irish* Academy, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Three hundred Pounds, to defray the Expence of the Royal *Hibernian* Academy, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever.

5,300*l.* for the Royal *Dublin* Society, to 31st *Mar.* 1834;

300*l.* for the Royal *Irish* Academy, ditto;

300*l.* for the Royal *Hibernian* Academy, ditto.

XIX. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Seven hundred Pounds, to defray the Expence of the Board of Charitable Donations and Bequests, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding One thousand five hundred Pounds, to defray the Expence of the Royal *Belfast* Academical Institution, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Seventeen thousand six hundred Pounds, to defray the Expence of the Board of Works, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Twenty-two thousand Pounds, to pay the Salaries and Expences of the Chief and Under Secretaries to the Lord Lieutenant of *Ireland*, of the Privy Council Office, and of His Majesty's Printer in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four inclusive, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Fourteen thousand one hundred and forty-one Pounds, to defray the Charge of Salaries to Officers and Attendants of the Household of the Lord Lieutenant of *Ireland*, and certain other Officers and Services formerly charged on the Civil List in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Six thousand eight hundred and fifty Pounds, to defray the Charge of the Officers of the Vice Treasurer and Teller of the Exchequer of *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Four thousand one hundred Pounds, to defray the Expence of publishing Proclamations and

There shall also be applied 700*l.* for Board of Charitable Bequests, to 31st *Mar.* 1834;

1,500*l.* for the *Belfast* Academical Institution, ditto;

17,600*l.* for the Board of Works, ditto;

22,000*l.* for Secretaries to Lord Lieutenant, &c. in *Ireland*, ditto;

14,141*l.* for Salaries, &c. heretofore paid out of the Civil List, &c.

6,850*l.* for the Office of the Vice Treasurer and Teller of the Exchequer in *Ireland*, ditto;

4,100*l.* for printing Proclamations and

Statutes, to
31st Dec. 1833;

24,224*l.* for
Dissenting Mi-
nisters, to
31st Mar. 1834;

50,000*l.* for
Criminal Pro-
secutions, ditto;

12,000*l.* for the
Police of *Dub-*
lin, ditto;

3,276*l.* for Pub-
lic Works, ditto;

4,000*l.* for *Dun-*
more Harbour,
ditto;

3,000*l.* for
Townland Sur-
vey of *Ireland*,
ditto;

5,000*l.* for
Roads in *Gal-*
way, ditto;

2,500*l.* for Com-
pensation to Sir
A. B. King, for
1833;

1,600*l.* to repay
Mr. *Orpen* Mo-
ney paid to the
Consolidated
Fund.

Supplies to be
applied only for
the Purposes
aforesaid.

and for printing Statutes in *Ireland*, to the Thirty-first Day of *December* One thousand eight hundred and thirty-three, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Twenty-four thousand two hundred and twenty-four Pounds, to defray the Expence of Nonconforming and Protestant Dissenting Ministers in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Fifty thousand Pounds, to defray the Charge of Criminal Prosecutions in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Twelve thousand Pounds, in aid of the Funds for the Maintenance of the Police Departments of *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Three thousand two hundred and seventy-six Pounds, to defray the Expence of Public Works in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Four thousand Pounds, to defray the Expence of Repairs at *Dunmore* Harbour, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Three thousand Pounds, to defray the Expence of the Townland Survey of *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Five thousand Pounds, to defray, to the Thirty-first Day of *March* One thousand eight hundred and thirty-four, the Expences incurred in carrying on and completing certain new Roads in the County of *Galway*, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever; and any Sum or Sums of Money not exceeding Two thousand five hundred Pounds, to pay, in the Year One thousand eight hundred and thirty-three, the annual Compensation to Sir *Abraham Bradley King*, late King's Stationer in *Ireland*, for Losses sustained by him by reason of the Revocation of his Patent; and any Sum or Sums of Money not exceeding One thousand six hundred Pounds, to repay to Mr. *Orpen* the Amount paid by him, under the Authority of the Act passed in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third (Chapter 114), to the Consolidated Fund, on the intended Purchase by him of the Office of one of the Six Clerks of the Court of Chancery in *Ireland*, and which Purchase has not been completed, and that the said Sum be issued and paid without any Fee or other Deduction whatsoever.

XX. And it is hereby also enacted, That the said Aids and Supplies provided as aforesaid shall not be issued and applied to any Use, Intent, or Purpose whatsoever other than the Uses, Intents, and Purposes before mentioned, or for the other Payments directed

rected to be satisfied thereout by any Act or Acts, or any particular Clause or Clauses for that Purpose contained in any other Act or Acts of this Session of Parliament.

XXI. And as to the Sum of Six hundred and thirty-two thousand Pounds by this Act appropriated on account of Half Pay as aforesaid it is hereby enacted and declared, That the Rules hereafter prescribed shall be duly observed in the Application of the said Half Pay; (that is to say,) that no Person shall have or receive any Part of the same without taking an Oath to such Purport and Effect as shall be required in that Behalf by His Majesty's Warrants directing the Issue of the Half Pay to be received; that no Person shall have or receive any Part of the same who was under the Age of Sixteen Years at the Time when the Regiment, Troop, or Company in which he served was reduced; that no Person shall have or receive any Part of the same who did not do actual Service in some Regiment, Battalion, Troop, or Company in His Majesty's Service, except in Cases in which the Commission was received under Circumstances which did not, according to the Regulations of the Army, require the Officer to serve; that no Person shall have or receive any Part of the same who has resigned his Commission, and has had no Commission since; that no Part of the same shall be allowed to any Person by virtue of any Warrant or Appointment, except to such Person as would have been otherwise entitled thereto as a Reduced Officer; that no Person shall have or receive any Part of the same for any Time during which he shall hold any other Military Place or Employment of Profit under His Majesty, or in His Majesty's Colonies or Possessions beyond the Seas, except on the Staff or in Garrison; and that in such excepted Cases, or in Cases of his holding any Military Place or Employment of Profit under another Government, no Officer shall receive any Part of his Half Pay unless with His Majesty's Approbation, to be signified by the Secretary of War to the Paymaster General of His Majesty's Land Forces; and the Officer claiming the Half Pay in pursuance of such Approbation shall specify in his Oath or Affidavit the other Military Place or Employment of Profit on the Staff or in Garrison which he may hold or have held under His Majesty, or in the Colonies or Possessions of His Majesty beyond the Seas, or under any other Government; that no Person who shall, on or before the Twenty-eighth Day of *July* One thousand eight hundred and twenty-eight, have held any Civil Place or Employment of Profit under His Majesty, or in the Colonies or Possessions of His Majesty beyond the Seas, or under any other Government, shall have or receive any Part of the same for any Time during which he shall hold any such Civil Place or Employment of Profit under His Majesty, or in the Colonies or Possessions of His Majesty beyond the Seas, or under any other Government, except in Cases in which the same shall not exceed Three Times the Amount of the highest Rate of Half Pay attached to the Rank in virtue of which he claims to receive Half Pay, or as herein-after mentioned, nor in any such excepted Cases unless His Majesty's special Approbation be signified as aforesaid; and the Officer claiming the Half Pay in pursuance of such Approbation shall signify in his Oath or Affidavit the Civil Place or Employment of Profit which he may hold or have held as aforesaid; but if the net annual Emoluments

Rules to be observed in the Application of the Sum appropriated to Half Pay.

luments of such Civil Place or Employment shall exceed Three Times the Amount of Half Pay as aforesaid, and shall fall short of Four Times that Amount, then it shall be lawful for the Paymaster General of the Land Forces, with His Majesty's Approbation, signified by the Secretary at War as aforesaid, to issue, on or after the Twenty-fourth Day of *December* One thousand eight hundred and thirty-three, so much of the Half Pay claimed by any such Officer as shall, together with the net annual Emoluments of the Civil Place or Employment, be equal to Four Times the Amount of such Half Pay; and the Officer claiming the Half Pay in pursuance of such Approbation shall specify in his Oath or Affidavit the Civil Place or Employment of Profit which he may have held as aforesaid, and the actual Amount of the Emoluments thereof, in such Manner and Form, and calculated up to such Period or Periods, as shall be required by the Secretary at War; that no Person who after the Twenty-eighth Day of *July* One thousand eight hundred and twenty-eight has been appointed to any Civil Place or Employment of Profit (except in His Majesty's Household) under His Majesty, or in the Colonies or Possessions of His Majesty beyond the Seas, or under any other Government, shall have or receive any Part of the same for any Time during which he shall hold any such Civil Place or Employment of Profit, except as aforesaid, under His Majesty beyond the Seas, or under any other Government, other than that of a Barrack Master under the Master General and Board of Ordnance, who shall, under the Restrictions before mentioned, be entitled to receive his Half Pay: Provided always, that nothing in this Act contained shall prevent any Person from receiving his Half Pay who shall be entitled to the same under any other Act or Acts relating to the General or Local Militia, or the Yeomanry or Volunteers, but that every such Person shall receive the same according to the Provisions of any such Act or Acts; and also every Surgeon, Serjeant Major, Serjeant, Corporal, and Private, serving in the General or Local Militia, or in any Corps of Yeomanry or Volunteers in *Great Britain* or *Ireland*, may and shall receive any Half Pay, together with any Pay in the General or Local Militia, or Yeomanry or Volunteers, upon the taking such Oath (if any) as shall be required in or by any Act or Acts, or specified in any Warrant of His Majesty, as the Case may be, and stating in such Oath the Commission or Employment which he held in the General or Local Militia, the Yeomanry or Volunteers.

Not to prevent the receiving of Half Pay under any Act relating to the General or Local Militia, &c.

Paymaster General, by Permission of the Treasury, may issue Half Pay to Officers appointed to Civil Offices since July 1828.

An Account of the Number of Officers so receiving Half Pay to be laid before Parliament.

XXII. Provided always, That from and after the First Day of *January* One thousand eight hundred and thirty-four it shall be lawful for the Paymaster General to issue the Half Pay or any Portion thereof to any Officer appointed to Civil Office or Employment under His Majesty, or under any other Government, since the Twenty-eighth Day of *July* One thousand eight hundred and twenty-eight, if His Majesty's Pleasure to that Effect be signified by the Lords Commissioners of His Majesty's Treasury, or any Three of them, through the Secretary at War, but such Permission to be granted under the Restrictions before mentioned: Provided always, that an Account shall be laid before Parliament in every Year, on or before the First Day of *April*, if Parliament shall be then sitting, or if Parliament shall not then be sitting, on the First Day of Parliament sitting after the First Day of *April*, of the Number of Officers

Officers who are allowed to receive their Half Pay with Civil Employments, specifying the Names of such Officers, with the respective Amount of their Half Pay and the Emoluments of their respective Civil Employments, and distinguishing in every such Account the Officers to whom such Half Pay shall have been allowed subsequent to preceding Accounts.

XXIII. Provided always, and be it further enacted, That it shall be lawful for the Commissioners of the Treasury, or any Three or more of them for the Time being, to authorize the receiving Half Pay by Military Officers with Civil Employments in any Cases in which the said Commissioners shall be of opinion that the Employment of such Military Officers in the Colonies or elsewhere, in Civil Situations of Responsibility, with small Emolument, will be conducive to Economy, and thereby beneficial to the Public Service; and in every such Case the Officer so authorized to receive Half Pay with the Salary or Emoluments of any Civil Employment shall signify the same in his Oath or Affidavit, specifying the Office, and the Authority under which he is so allowed to receive his Half Pay.

XXIV. ' And whereas a considerable Part of the Money appropriated on account of Half Pay by an Act passed in the Second and Third Years of the Reign of His present Majesty, intituled *' An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year One thousand eight hundred and thirty-two; and to appropriate the Supplies granted in this Session of Parliament,* has been issued without requiring, by Persons issuing or paying, and without the taking by the Persons receiving Half Pay, the Oaths prescribed to be taken by Officers claiming Half Pay; and Part of the said Monies have been paid to Officers claiming and entitled to Half Pay, who at the same Time held and may still hold the Situation of and serve respectively as Surgeons, Serjeant Majors, Serjeants, Corporals, or Privates in the General or Local Militia, or Yeomanry or Volunteer Corps, in *Great Britain or Ireland*; and it is expedient that all such Persons should be indemnified: ' Be it therefore enacted, That all Persons concerned in the advising, authorizing, or directing the issuing, or in the issuing of any Half Pay, or any Monies for Half Pay, or in the Application of any Money appropriated by the said Act for that Purpose, or in the receiving or being concerned in the receiving any Portion of the Money so appropriated for such Half Pay, without requiring or taking the said Oaths, or to or on account of any such Officers or Persons as aforesaid, shall be and are hereby fully indemnified, and shall be and are hereby fully exonerated and discharged from all Penalties, Forfeitures, Prosecutions, or Proceedings, in respect of any thing done in relation thereto, in all Cases in which such Half Pay, or Payment for or in respect of Half Pay, shall have been or may hereafter be issued or received in conformity with the Provisions of the said recited Act or this Act, and the Usages heretofore established and observed in relation to the issuing, paying, and receiving of Half Pay in all other respects, except so far as relates to the demanding, requiring, or taking the said Oaths; and all such Payments and Issues of Half Pay which shall have been or may be issued to any such Person as aforesaid shall be deemed valid and effectual Payments, and the Paymaster General, and all other Persons concerned

Treasury may authorize Military Officers in Civil Employments to receive Half Pay in certain Cases.

2 & 3 W. 4.
c. 126.

Persons concerned in issuing, paying, and receiving Money for the Payment of Half Pay, without the Oaths having been taken as required, indemnified.

cerned in the issuing and paying the same, shall be and are hereby fully discharged and exonerated in respect thereof in all Accounts relating to such Issues and Payments; any thing contained in any Act or Acts, or any Law, Rules, or Regulations, relating to the issuing and paying of Half Pay, to the contrary notwithstanding.

Half Pay allowed to the Officers of the *Manx* Fencibles.

XXV. ' And whereas the Officers of the Royal Regiment of *Manx* Fencibles engaged to serve in the said Corps upon a Stipulation contained in the Letter of Service under which they were raised, that they should be allowed to receive any Half Pay to which they might be entitled, notwithstanding their holding Subaltern Commissions in the said Corps; but no Provision has been made by Parliament for Payment of such Half Pay; and it is therefore expedient that Provision should be now made for Payment of the Arrears of Half Pay to such Officers as aforesaid: Be it therefore enacted, That Officers who were entitled to Half Pay, and who accepted or held Subaltern Commissions in the Royal Regiment of *Manx* Fencibles, shall, notwithstanding their having held the Full Pay of such Commissions, be entitled to receive the Arrears of such Half Pay for any Year or Time in which they shall not have been allowed to receive the same, upon taking the Oath before the Officer usually administering Oaths to Persons for the Purpose of receiving Half Pay, that they had not, in any Year or Time for which such Arrear is claimed, any Office or Employment of Profit, Civil or Military, under His Majesty, besides their Allowance of Half Pay, save and except their Pay as such Subaltern Officers of the Royal Regiment of *Manx* Fencibles; and the taking the Oath shall, without taking any other Oath, be sufficient to entitle such Officer to receive his Half Pay.

Half Pay Allowances to Chaplains of Regiments not being in possession of Ecclesiastical Benefices derived from the Crown.

XXVI. ' And whereas Chaplains of Regiments who have been placed upon Half Pay have not been allowed to receive such Half Pay in some Years, in consequence of being in possession at the Time of certain Ecclesiastical Benefices or Preferments, though the same were not in the Patronage of the Crown: And whereas it has been judged fair and reasonable that they should be allowed to receive such Half Pay, though in possession of Ecclesiastical Preferment, provided the same was private Patronage, and not derived from the Crown; and that they should also be entitled to receive the Arrears of Half Pay for such former Years as aforesaid: Be it therefore enacted, That all Chaplains who, after having been placed upon Half Pay, shall have been refused or have been unable to receive such Half Pay in any Year, in consequence of holding any Ecclesiastical Benefice not derived from or in the Gift of the Crown, shall be entitled to receive the Arrears of such Half Pay for such Year, upon making Affidavit before the proper Officer for administering Oaths to Persons for entitling them to receive Half Pay, that they held no Ecclesiastical Benefice or Preferment in any Year derived from the Crown, nor any Place or Employment of Profit under His Majesty; and the taking the said Oath shall, without taking any other Oath, be sufficient to entitle such Chaplain to receive his Half Pay.

By 2 & 3 W. 4. c. 126. a Sum was appropriated to be paid to Half Pay Officers, the

XXVII. ' And whereas by the said recited Act passed in the Second and Third Years of the Reign of His present Majesty the several Supplies which had been granted to His Majesty, as therein mentioned, were appropriated to the several Uses and Purposes

‘ Purposes therein expressed, amongst which any Sum or Sums of
 ‘ Money not exceeding Eight hundred thirty-six thousand one
 ‘ hundred Pounds in the whole was appropriated to be paid on
 ‘ account of Half Pay for the Year One thousand eight hundred
 ‘ and thirty-two, subject nevertheless to such Rules to be observed
 ‘ in the Application of the said Half Pay as in and by the aforesaid
 ‘ Act were prescribed in that Behalf:’ Now it is hereby provided,
 enacted, and declared, That so much of the said Sum of Eight hun-
 dred thirty-six thousand one hundred Pounds as is or shall be
 more than sufficient to satisfy the said Reduced Officers according
 to the Rules to be observed in the Application thereof, or any Part
 of such Overplus, shall and may be disposed of to such Officers who
 are maimed or have lost their Limbs in the late War, or such others
 as, by reason of their long Service, or otherwise, His Majesty shall
 judge to be proper Objects of Charity, or to the Widows or Chil-
 dren of such Officers, according to such Warrant or Warrants,
 under His Majesty’s Royal Sign Manual, as shall be signed in that
 Behalf; any thing in this Act or in the said Act to the contrary
 notwithstanding.

Surplus of
 which is hereby
 authorized to
 be disposed of
 as His Majesty
 shall direct.

XXVIII. And as to the Sum of One hundred forty-five thousand
 nine hundred and forty-four Pounds by this Act appropriated for
 defraying the Charge of Pensions to be paid to the Widows of
 Officers of His Majesty’s Land Forces as aforesaid, and as to the
 Sum of One hundred seventy thousand five hundred and sixteen
 Pounds by this Act appropriated for defraying the Charge of
 Allowances on the Compassionate List, of Allowances as of His
 Majesty’s Royal Bounty, and of Pensions to Officers for Wounds, as
 aforesaid; it is hereby enacted and declared, That no Widow of an
 Officer of the Land Forces, and no Person claiming an Allowance
 on the Compassionate List, or of Allowances as of His Majesty’s
 Royal Bounty, shall have or receive any Part of the same without
 taking an Oath to such Purport and Effect as shall be required in
 that Behalf by His Majesty’s Warrant directing the Issue of such
 Pensions and Allowances to be received, such Oath to be taken
 before any Justice or Justices of the Peace, or other Person duly
 authorized to administer an Oath, or before the Cashier of Widows
 Pensions, or the First Assistant Examiner of the same, for the Time
 being, in the Office of the Paymaster General of His Majesty’s Land
 Forces, who are hereby authorized to administer the same.

Widows and
 Persons claim-
 ing Pensions
 or Allowances
 shall take the
 required Oath.

By whom the
 Oath to be
 administered.

CAP. XCVII.

An Act to prevent the selling and uttering of forged
 Stamps, and to exempt from Stamp Duty artificial
 Mineral Waters in *Great Britain*, and to allow a Draw-
 back on the Exportation of Gold and Silver Plate
 manufactured in *Ireland*. [29th August 1833.]

‘ WHEREAS the Laws heretofore enacted and now in force
 ‘ in *Great Britain* have been found insufficient to prevent
 ‘ the selling and uttering of forged Stamps on Vellum, Parch-
 ‘ ment, and Paper, and it is expedient to make further Enact-
 ‘ ments in that Behalf;’ be it therefore enacted by the King’s
 most Excellent Majesty, by and with the Advice and Consent of
 the Lords Spiritual and Temporal, and Commons, in this present
 [No. 64. Price 2d.] 3 S Parliament

Commissioners
of Stamps may
license Persons
to deal in
Stamps.

Persons licensed
to give Bond.

Condition
thereof.

Bond not liable
to Stamp Duty.

Licence may be
revoked.

Particulars to
be specified in
Licences.

No Person to
deal in Stamps
without such
Licence.

Penalty.

Parliament assembled, and by the Authority of the same, That from and after the Commencement of this Act it shall be lawful for the Commissioners of Stamps, by Writing under the Hands of any Two or more of them, to grant a Licence free of Expence to any Person whom they in their Discretion shall think fit and proper for the Purpose (not being a Distributor of Stamps appointed by the said Commissioners, nor a Sub-Distributor appointed by any such Distributor) to vend and deal in Stamps at any Place or Places in *Great Britain* to be named in such Licence: Provided always, that every Person to whom any such Licence shall be granted shall enter into a Bond to His Majesty, His Heirs and Successors, in a penal Sum of One hundred Pounds, conditioned that such licensed Person shall not sell or offer for Sale or Exchange, or keep or have in his Possession for the Purpose of Sale or Exchange, any Stamp or Stamps other than such as he shall have purchased or procured at the Head Office for Stamps in *Westminster* or *Edinburgh*, or from some Distributor of Stamps duly appointed by the said Commissioners, or from some Person licensed to deal in Stamps under the Authority of this Act: Provided always, that such Bond shall not be liable to any Stamp Duty, and that One Licence and One Bond only shall be required for any Number of Persons in Copartnership: And provided also, that it shall be lawful for the said Commissioners, whenever they shall think fit, by Notice in Writing signed by any Two or more of them, to revoke and make void any such Licence as aforesaid.

II. And be it enacted, That in every such Licence to vend or deal in Stamps there shall be truly specified the proper Christian Name and Surname and Place of Abode of the Person to whom the same shall be granted, and a true Description of the House or Shop or Houses or Shops in or at which he shall by such Licence be authorized to vend or deal in Stamps; and such Person shall not be thereby authorized or entitled to vend or deal in Stamps in or at any other House, Shop, or Place than such as shall be so specified and described in such Licence.

III. And be it enacted, That no Person other than such Distributor or Sub-Distributor of Stamps as aforesaid shall vend or deal in Stamps in any Part of *Great Britain* without having duly obtained from the Commissioners of Stamps a Licence for that Purpose, which shall be subsisting in force and unrevoked at the Time of such vending or dealing; and if any Person other than such Distributor or Sub-Distributor as aforesaid shall sell or offer for Sale any Vellum, Parchment, or Paper, stamped or marked with any Stamp or Mark, denoting or purporting to denote any Stamp Duty, or shall exchange any such stamped Vellum, Parchment, or Paper for any other stamped Vellum, Parchment, or Paper, or for any other Article or Thing, without having duly obtained and having in force such Licence as aforesaid, authorizing him in that Behalf, or in or at any House, Shop, or Place not specified and described in any such Licence as aforesaid granted to him, he shall for every such Offence forfeit the Sum of Twenty Pounds; and if any Proceedings shall be had for Recovery of such Penalty of Twenty Pounds, and it shall thereupon appear that any Stamp or Stamps impressed on any such Vellum, Parchment, or Paper which shall have been so sold or exchanged, or offered for Sale or exchanged,

changed, was or were false, forged, or counterfeit, although the same shall not have been so alleged in the Information or Pleading, then and in such Case the said Penalty shall be doubled, and Judgment shall be given against the Offender for the Sum of Forty Pounds, and the said special Matter shall be stated in such Judgment as the Cause of such Increase of Penalty; and if on any such Proceeding any Issue shall be tried by a Jury in which the selling or exchanging, or offering for Sale or Exchange, of such Vellum, Parchment, or Paper, with any Stamp or Stamps thereon, shall be in question, such Jury shall be required to say whether such Stamp or Stamps was or were false, forged, or counterfeit, or not: Provided always, that nothing herein contained shall extend to exempt any Person from the legal Consequences of selling, uttering, or having in possession any Vellum, Parchment, or Paper with any false, forged, or counterfeit, Stamp or Stamps thereon, knowing the same to be false, forged, or counterfeit, if such Knowledge shall be duly proved in any criminal Prosecution or Proceeding against such Person for any such Offence.

Nothing herein to exempt Persons from Consequences of uttering forged Stamps.

IV. Provided always, and be it enacted, That it shall be lawful for any Person employed to prepare, write, or ingross any Deed or Instrument liable to Stamp Duty to charge his Employer with the Amount of the Stamp or Stamps impressed on the Vellum, Parchment, or Paper upon which such Deed or Instrument shall be written or ingrossed, without having obtained any such Licence as aforesaid to vend or deal in Stamps.

As to Persons employed to write or ingross Instruments liable to Stamp Duty.

V. And be it enacted, That every Person who shall be licensed under the Authority of this Act to deal in Stamps shall cause to be painted in Roman Capital Letters, One Inch at the least in Height and of a proper and proportionate Breadth, on some conspicuous Place on the Outside of the Front of the House or Shop in or at which he shall be licensed to deal in Stamps, and so that the same shall be at all Times plainly and distinctly visible and legible, the Christian Name and Surname of such licensed Person at full Length, together with the Words, "Licensed to sell Stamps," and such Person shall continue such Names and Words so painted as aforesaid during all the Time that he shall continue licensed as aforesaid; and if any Person licensed as aforesaid shall neglect or omit to cause such Names and Words to be so painted as aforesaid, or shall neglect or omit to continue the same so painted according to the Directions of this Act, he shall forfeit Ten Pounds for every such Offence: Provided always, that in the Case of several Persons licensed as aforesaid in Copartnership it shall be sufficient if the Christian Name and Surname of One only of such Persons be painted in manner aforesaid.

Licensed Dealers in Stamps to paint their Names, &c. in Front of their Houses or Shops.

Penalty.

Proviso as to Partners.

VI. And be it enacted, That if any Person shall write, paint, or mark, or shall cause or procure to be written, painted, or marked, or shall permit or suffer to continue written, painted, or marked, upon any Part of his House, Shop, or Premises, either in the Inside or on the Outside thereof, or upon any Board or any Material whatever exposed to public View, and whether the same shall or shall not be affixed to such House, Shop, or Premises, any Word or Words which shall import or signify, or be intended to import or signify, that such Person is a Vendor of or Dealer in Stamps, such Person not being licensed to deal in Stamps under the Authority of this

Penalty on unlicensed Persons painting on their Shops any Words importing that they are Dealers in Stamps.

this Act, and not being a Distributor or Sub-Distributor of Stamps duly appointed as aforesaid, he shall forfeit Ten Pounds for every Day such Offence shall be committed or continued.

Allowance to be made for Stamps in the Possession of Vendors at the Time of the passing of this Act.

VII. And be it enacted, That it shall be lawful for any Stationer or other Person who, in the regular Course of his Trade or Business, before and at the Time of the passing of this Act, shall have been a Vendor of Stamps, and who at the Time of the passing of this Act shall have in his Possession for the Purpose of Sale any stamped Vellum, Parchment, or Paper which shall not be in any Manner spoiled or rendered useless or unfit for the Purpose intended, to bring or send the same to the head Office for Stamps in *Westminster* or *Edinburgh* at any Time within Three Calendar Months next after the Commencement of this Act; and it shall be lawful for the Commissioners of Stamps, or any Officer of Stamp Duties duly authorized in that Behalf, to receive the same, and to pay to the Person bringing or sending the same the Amount of the Stamp Duty thereon, deducting therefrom such Per-centage as is allowed by Law on the Purchase of Stamps of the like Description from the said Commissioners, and also to pay the Amount of the Value of such Vellum, Parchment, and Paper according to the Rates at which Vellum, Parchment, and Paper of the like Quality and Description shall be sold by the said Commissioners; and thereupon such Stamp shall be immediately cancelled: Provided always, that the Person who shall bring or send such stamped Vellum, Parchment, or Paper to the said head Office shall make Proof to the Satisfaction of such Commissioners or authorized Officer that such Vellum, Parchment, or Paper was actually in the Possession of such Person for the Purpose of Sale at the Time of the passing of this Act, and shall also make Proof in like Manner that such stamped Vellum, Parchment, or Paper, or the Stamps impressed thereon, was or were purchased by the Person who shall bring or send the same as aforesaid directly at the head Office for Stamps in *Westminster* or *Edinburgh*, or from some Distributor or Sub-Distributor of Stamps duly appointed as aforesaid.

Proviso.

Allowance to be made for Stamps in the Possession of licensed Vendors dying, or becoming bankrupt or insolvent, or whose Licences are revoked.

VIII. And be it enacted, That if any Person licensed to vend or deal in Stamps shall die, or become bankrupt or insolvent, or if the Licence of any Person to vend or deal in Stamps shall expire or be revoked, and any such Person, at the Time of his Death, Bankruptcy, or Insolvency, or at the Expiration or Revocation of any such Licence as aforesaid, shall have in his Possession any Quantity of stamped Vellum, Parchment, or Paper, it shall be lawful for such Person, or his Executor or Administrator or Assignee, within Three Calendar Months after the Expiration or Revocation of such Licence, or next after such Death, Bankruptcy, or Insolvency, as the Case may be, to bring or send such stamped Vellum, Parchment, or Paper to the head Office for Stamps in *Westminster* or *Edinburgh*; and it shall be lawful for the Commissioners of Stamps, or any Officer of Stamp Duties duly authorized on that Behalf, to receive the same, and to pay to the Person bringing or sending the same the Amount of the Stamp Duty thereon, deducting therefrom such Per-centage as is allowed by Law on the Purchase of Stamps of the like Description from the said Commissioners, and also to pay the Amount of the Value of such Vellum, Parchment, and Paper, according to the Rates at which Vellum, Parchment, and Paper of the

the like Quality and Description shall be sold by the said Commissioners; and thereupon such Stamps shall be immediately cancelled: Provided always, that the Person who shall bring or send such stamped Vellum, Parchment, or Paper to the said head Office shall make Proof to the Satisfaction of such Commissioners or authorized Officer that such Vellum, Parchment, or Paper was actually in the Possession of the Person so dying, or becoming bankrupt or insolvent, or having had such Licence which had so expired or had been so revoked, for the Purpose of Sale, at the Time when such Person so died or became bankrupt or insolvent, or when the said Licence expired or was revoked, and shall also make Proof in like Manner that such stamped Vellum, Parchment, or Paper, or the Stamps impressed thereon, was or were purchased or procured by the Person to whom such Licence shall have been granted at the head Office for Stamps in *Westminster* or *Edinburgh*, or from some such Distributor of Stamps or Person licensed to deal in Stamps as aforesaid.

IX. And be it enacted, That upon Information given to the Commissioners of Stamps upon the Oath of One or more credible Person or Persons (which Oath the said Commissioners, or any One or more of them, or any Justice of the Peace, are and is hereby empowered to administer) that there is reasonable Cause to suspect that any such Distributor or Sub-Distributor as aforesaid, or Person licensed or who shall have been licensed under the Authority of this Act, hath in his Possession any forged or counterfeit Stamp or Stamps, it shall be lawful for the said Commissioners, or any Three or more of them, by Warrant under their Hands, to authorize any Officer or Officers of Stamp Duties, and such Officer or Officers is and are hereby fully authorized accordingly, with the Assistance, if required, of any Constable or other Peace Officer, to enter between the Hours of Nine in the Morning and Seven in the Evening into the Dwelling House, Room, Shop, Warehouse, Outhouse, or other Building of or belonging to any Distributor or Sub-Distributor of Stamps, or of or belonging to any Person licensed, or who at any Time within Six Calendar Months then last past shall have been licensed as aforesaid, to vend or deal in Stamps; and if, on Demand of Admittance and Notice of such Warrant, the Door of any such Dwelling House, Room, Shop, Warehouse, Outhouse, or other Building, or any inner Door thereof, shall not be opened, then to break open the same respectively, and to search for and to seize and take into his and their Possession all such stamped Vellum, Parchment, or Paper as shall be in any such Place as aforesaid, or elsewhere in the Custody or Possession of such Distributor or Sub-Distributor, or Person licensed or having been licensed as aforesaid; and all Constables and other Peace Officers are hereby required, upon the Request of any Person or Persons acting under such Warrant, to aid and assist him or them in the Execution thereof; and if any Constable or other Peace Officer shall, upon any such Request as aforesaid, refuse or neglect to be aiding and assisting in the Execution of any such Warrant as aforesaid, or if any Person shall refuse to permit any such Search or Seizure as aforesaid to be made, or shall assault, oppose, molest, or obstruct any Person employed or acting in the Execution or under the Authority of any such Warrant, or aiding or assisting in the Execution thereof, every such

Commissioners of Stamps empowered to grant Warrants to search and inspect the Stocks of Stamps of Distributors and licensed Dealers.

Power of Entry,

Penalty for refusing to aid in the Execution of such Warrants, or assaulting Persons employed in the Execution thereof, 50*l*.

Constable, Peace Officer, or other Person so offending in any of the Cases aforesaid shall forfeit Fifty Pounds.

Acknowledg-
ment to be
given for
Stamps seized.

Licensed
Vendor entitled
to be paid the
Amount of
genuine Stamps
seized, or to
have them
returned to him.

X. Provided always, and be it enacted, That any Person who shall execute any such Warrant shall, if required, give to the Person in whose Custody or Possession any Stamps shall be found and seized an Acknowledgment of the Number, Particulars, and Amount of the Stamps so seized, and shall permit such last-mentioned Person, or any Person employed by him, to mark the same before the Removal thereof; and if the Person in whose Custody or Possession any Stamps shall be so found and seized shall be or shall have been within the Time aforesaid a licensed Vendor of Stamps, he shall be entitled to claim and receive in Money from the Commissioners of Stamps the Amount of such of the Stamps so seized as shall be found to be genuine, (deducting therefrom such Per-centage as is allowed by Law on the Purchase of Stamps of the like Description,) and also to receive the Amount of the Vellum, Parchment, or Paper whereon the same shall be impressed, according to the Rates at which Vellum, Parchment, and Paper of the like Quality and Description shall be sold by the said Commissioners or their Distributors of Stamps; or, if the said Commissioners shall think fit, such of the said Stamps so seized as shall be found to be genuine shall be returned to the Person from whose Custody or Possession the same shall have been taken, with such reasonable Amends as the Lords Commissioners of His Majesty's Treasury may think fit to award.

Licensed
Vendors having
counterfeit
Stamps in their
Possession liable
to the Penalties
of vending
Forged Stamps,
unless it be
proved that they
were procured
from some
Distributor or
licensed Vendor.

XI. And be it enacted, That whenever any Vellum, Parchment, or Paper shall be found in the Possession of any Person licensed to vend or deal in Stamps, or who shall have been so licensed at any Time within Six Calendar Months then next preceding, such Vellum, Parchment, or Paper having thereon any false, forged, or counterfeit Stamp, Mark, or Impression resembling or representing, or intended or liable to pass or be mistaken for any Stamp, Mark, or Impression of any Die, Plate, or other Instrument which at any Time whatever hath been or shall or may be provided, made, or used, by or under the Direction of the Commissioners of Stamps, for the Purpose of expressing or denoting any Stamp Duty whatever, then and in every such Case the Person in whose Possession such Vellum, Parchment, or Paper shall be so found shall be deemed and taken to have so had the same in his Possession with Intent to vend, use, or utter the same with such false, forged, or counterfeit Stamp, Mark, or Impression thereon, unless the contrary shall be satisfactorily proved; and such Person shall also be deemed and taken to have such Vellum, Parchment, or Paper so in his Possession knowing the Stamp, Mark, or Impression thereon to be false, forged, and counterfeit, and such Person shall be liable to all Penalties and Punishments by Law imposed or inflicted upon Persons vending, using, uttering, or having in possession false, forged, or counterfeit Stamps, knowing the same to be false, forged, or counterfeit, unless such Person shall in every such Case satisfactorily prove that such Stamp or Stamps was or were procured by or for such Person from some Distributor of Stamps appointed by the said Commissioners, or from some Person licensed to deal in Stamps under the Authority of this Act.

XII. And

XII. And be it enacted, That if any Person shall knowingly and without lawful Excuse (the Proof whereof shall lie on the Person accused) have in his Possession any false, forged, or counterfeit Die, Plate, or other Instrument, or Part of any such Die, Plate, or Instrument, resembling or intended to resemble, either wholly or in part, any Die, Plate, or other Instrument which at any Time whatever hath been or shall or may be provided, made, or used, by or under the Direction of the Commissioners of Stamps, for the Purpose of expressing or denoting any Stamp Duty whatever; or if any Person shall knowingly and without lawful Excuse (the Proof whereof shall lie on the Person accused) have in his Possession any Vellum, Parchment, or Paper having thereon the Impression of any such false, forged, or counterfeit Die, Plate, or other Instrument, or Part of any such Die, Plate, or other Instrument as aforesaid, or having thereon any false, forged, or counterfeit Stamp, Mark, or Impression resembling or representing, either wholly or in part, or intended or liable to pass or be mistaken for, the Stamp, Mark, or Impression of any such Die, Plate, or other Instrument which hath been or shall or may be so provided, made, or used as aforesaid, knowing such false, forged, or counterfeit Stamp, Mark, or Impression to be false, forged, or counterfeit; or if any Person shall fraudulently use, join, fix, or place for, with, or upon any Vellum, Parchment, or Paper any Stamp, Mark, or Impression which shall have been cut, torn, or gotten off or removed from any other Vellum, Parchment, or Paper; or if any Person shall fraudulently erase, cut, scrape, discharge, or get out of or from any stamped Vellum, Parchment, or Paper any Name, Sum, Date, or other Matter or Thing thereon written, printed, or expressed, with Intent to use any Stamp or Mark then impressed or being upon such Vellum, Parchment, or Paper, or that the same may be used for any Deed, Instrument, Matter, or Thing in respect whereof any Stamp Duty is or shall or may be or become payable; or if any Person shall knowingly use, utter, sell, or expose to Sale, or shall knowingly and without lawful Excuse (the Proof whereof shall lie on the Person accused) have in his Possession, any stamped Vellum, Parchment, or Paper from or off or out of which any such Name, Sum, Date, or other Matter or Thing as aforesaid shall have been fraudulently erased, cut, scraped, discharged, or gotten as aforesaid; then and in every such Case every Person so offending, and every Person knowingly and wilfully aiding, abetting, or assisting any Person in committing any such Offence, and being thereof lawfully convicted, shall be adjudged guilty of Felony, and shall be liable, at the Discretion of the Court, to be transported beyond the Seas for Life, or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Four Years nor less than Two Years.

XIII. And be it enacted, That on any Information given before any Justice of the Peace upon the Oath of One or more credible Person or Persons (which Oath such Justice is hereby empowered to administer) that there is just Cause to suspect any Person of being or having been in any way engaged or concerned in making any false or counterfeit Die, Plate, or other Instrument, or unlawfully marking or impressing any Stamp, Mark, or Impression on any Vellum, Parchment, or Paper with any such Die, Plate, or Instrument; or in the unlawful Possession of any forged or coun-

Persons knowingly having forged Dies or Stamps in their Possession;

or fraudulently affixing Stamps, &c.;

or erasing Names, Dates, &c. with Intent to use the Stamps again;

or knowingly using any stamped Vellum, &c. from which any Name, Date, &c. shall have been fraudulently erased; guilty of Felony.

Houses of Persons suspected of being concerned in the forging of Dies or Stamps, or in the Commission of other felonious Acts, may be searched.

terfeit Die, Plate, or Instrument, or of any Vellum, Parchment, or Paper with any counterfeit Stamp, Mark, or Impression thereon; or in unlawfully or fraudulently, or without due Authority, marking or impressing any lawful Stamp on any Vellum, Parchment, or Paper, or in causing or procuring the same to be so marked or impressed, or in aiding, abetting, or assisting in so marking or impressing the same; or in the unlawful Possession of any Vellum, Parchment, or Paper, or other Material, unlawfully or fraudulently or without due Authority stamped or marked, contrary to any of the Provisions or Regulations contained in any Act relating to Stamp Duties; or of being or having been in any way engaged or concerned in the fraudulent erasing, cutting, scraping, discharging, or getting out of or from or off any stamped Vellum, Parchment, or Paper any Matter or Thing thereon written, printed, or expressed; or in the unlawful Possession of any stamped Vellum, Parchment, or Paper from or off or out of which any Matter or Thing shall have been fraudulently erased, cut, scraped, discharged, or gotten as aforesaid; then and in every or any of the said Cases it shall be lawful for such Justice by Warrant under his Hand to cause any and every Dwelling House, Room, Workshop, Outhouse, or other Building, Yard, Garden, or other Place belonging to such suspected Person, or where any such Person shall be suspected of being or of having been in any way engaged or concerned in the Commission of any such Offence as aforesaid, or of secreting any such Die, Plate, or Instrument, or any such Vellum, Parchment, or Paper, or any of the Machinery, Implements, or Utensils necessary or applicable to the Commission of any such Offence as aforesaid, to be searched for any such stamped Vellum, Parchment, or Paper, and for any such Die, Plate, or Instrument, Machinery, Implement, or Utensil, or other Matter or Thing as aforesaid; and if any of the said several Matters and Things shall be found in any Place so searched, or in the Custody or Possession of any Person whatsoever not having the same by some lawful Authority, it shall be lawful for the Person finding any such Matters or Things to seize the same respectively, and to carry the same forthwith to the Justice by whom such Warrant shall be granted, or to any other Justice of the Peace having Jurisdiction where the same shall be seized, who shall cause the same to be secured and produced in Evidence against any Person who shall or may be prosecuted in any Court of Justice for any of the Offences aforesaid; and afterwards the said Matters and Things so seized, whether produced in Evidence or not, shall, by Order of the Court or Judge before whom such Offender shall be tried, or by Order of some Justice of the Peace in case there shall be no such Trial, be delivered over to the Commissioners of Stamps, to be defaced or destroyed, or otherwise disposed of, as the said Commissioners shall think fit.

Penalty on
Persons hawk-
ing Stamps, 20*l*.

XIV. And be it enacted, That if any Person, whether he shall be licensed to vend or deal in Stamps or not, shall hawk or carry about for Sale or Exchange any stamped Vellum, Parchment, or Paper, or if any Person shall utter or offer for Sale or Exchange, at any House, Shop, or Place other than the House or Shop in which he shall reside or *bonâ fide* carry on his Trade or Business, any such stamped Vellum, Parchment, or Paper, every such Person shall forfeit the Sum of Twenty Pounds, over and above any Penalty to which he may be liable for vending or dealing in Stamps without being

being licensed so to do; and it shall moreover be lawful for any Person, without any other Warrant than this Act, for that Purpose to apprehend any Person so hawking, carrying about, uttering, or offering for Sale or Exchange such stamped Vellum, Parchment, or Paper, and to take him or cause him to be taken before any Justice of the Peace having Jurisdiction where the Offence shall be committed, who shall hear and determine the Matter; and if the Offender shall not immediately on his Conviction pay the said Penalty, such Justice shall commit him to Prison for any Period of Time not less than One nor more than Three Calendar Months, unless such Penalty shall be sooner paid or satisfied; and all stamped Vellum, Parchment, and Paper which shall be found in the Possession of such Offender shall be forfeited to His Majesty, and shall be taken possession of by such Justice, and be delivered over to the Commissioners of Stamps, to be disposed of in any Manner as they shall think fit: Provided always, that if such Offender shall not be apprehended and proceeded against in the Manner herein-before directed, then the said Penalty of Twenty Pounds shall be recoverable by any other of the Ways and Means provided for the Recovery of Penalties incurred under this Act.

Hawkers of Stamps may be apprehended, and taken before a Justice of the Peace.

XV. And for the better preventing and detecting of Felonies and Frauds in relation to stamped Vellum, Parchment, or Paper, be it enacted, That it shall be lawful for any Justice of the Peace having Jurisdiction where any stamped Vellum, Parchment, or Paper shall be or be supposed to be concealed or deposited, upon any reasonable Suspicion that such stamped Vellum, Parchment, or Paper has been stolen or fraudulently obtained, to issue his Warrant for the seizing and detaining of such stamped Vellum, Parchment, and Paper, and for apprehending and bringing before such Justice or any other Justice within the same Jurisdiction the Person in whose Possession or Custody such stamped Vellum, Parchment, or Paper shall be found, to be dealt with according to Law; and if such Person shall omit or refuse to account for the Possession of such stamped Vellum, Parchment, or Paper, or shall be unable satisfactorily to account for the Possession thereof, or it shall not appear that the same was or were purchased by him at the head Office for Stamps in *Westminster* or *Edinburgh*, or from some Distributor or Sub-Distributor of Stamps, or some Vendor of Stamps duly licensed under the Authority of this Act, then and in every such Case such stamped Vellum, Parchment, and Paper, or such Part thereof of which no Account or no satisfactory Account shall be given, or which shall not appear to have been purchased at either of the said head Offices, or from some Distributor or Sub-Distributor of Stamps or licensed Vendor as aforesaid, shall be forfeited to His Majesty, and shall be accordingly condemned by such Justice, and thereupon the same shall be delivered over to the Commissioners of Stamps, who shall keep the same for the Space of Six Calendar Months, and afterwards cancel and destroy the same, or dispose thereof for the Use of His Majesty's Revenue, as they shall think fit: Provided always, that if at any Time within Six Calendar Months next after such Condemnation any Person shall make out to the Satisfaction of such Justice that the Vellum, Parchment, or Paper so forfeited, or any Part thereof, was or were stolen or otherwise fraudulently obtained from him, and it shall also appear

Justices may issue Warrants for seizing Stamps suspected to be stolen or fraudulently obtained.

appear that the same was or were purchased by him at either of the said head Offices, or from some Distributor or Sub-Distributor or licensed Vendor of Stamps as aforesaid, it shall be lawful for such Person to have the same, or such Part thereof as shall be so proved to have been stolen or fraudulently obtained from him, delivered up to him, on producing a Certificate under the Hand and Seal of such Justice that the Right of such Person therein hath been duly proved: Provided also, that no such Certificate shall be given unless Notice in Writing under the Hand of such Justice shall be given to the Solicitor of Stamps Seven clear Days at the least previously to the Day of hearing any Claim, in respect of such stamped Vellum, Parchment, or Paper, of the Time and Place appointed for such Hearing.

Commissioners may discontinue Dies, and provide new ones in lieu thereof.

XVI. And be it enacted, That it shall be lawful for the Commissioners of Stamps from Time to Time, whenever they shall deem it necessary or expedient, to discontinue the Use of all or any of the Dies heretofore provided or used, or at any Time hereafter to be provided or used, for denoting or marking any Stamp Duty which now is or at any Time hereafter shall be by Law payable for or in respect of any Matter or Thing whatsoever, and to cause any new Die or Dies, with such altered Device or Devices respectively thereon as the said Commissioners shall think fit, to be provided and used in lieu of the Die or Dies so discontinued.

After a Day fixed by Notice in the Gazette the new Dies to be the only true and lawful Dies.

XVII. And be it enacted, That whenever the said Commissioners shall determine to discontinue the Use of any Die or Dies, and shall provide any new Die or Dies to be used in lieu thereof, and the said Commissioners shall give public Notice thereof by Advertisement in the *London* and *Edinburgh* Gazettes respectively, then from and after such Day or Time as shall be fixed and appointed by such Advertisement, not being within the Space of One Calendar Month next after the same shall have been published in the said Gazettes respectively, the said new Die or Dies so provided shall be the only true and lawful Die or Dies for denoting the Duty charged or chargeable in any Case to which such Die or Dies is or are respectively applicable; and all Deeds and Instruments for the marking or stamping of which any such new Die or Dies shall have been provided, and which after the Day so fixed and appointed as aforesaid shall be ingrossed, written, or printed upon Vellum, Parchment, or Paper stamped or marked with any other Die or Dies than the said new Die or Dies so provided for the same as aforesaid, and also all such Deeds and Instruments as aforesaid which, having been ingrossed, written, or printed upon Vellum, Parchment, or Paper stamped or marked as last aforesaid, shall not have been executed or signed by any Party thereto before or upon the said Day so fixed and appointed as aforesaid, shall respectively be deemed to be ingrossed, written, or printed on Vellum, Parchment, or Paper not duly stamped or marked as required by Law: Provided always, that in the Case of any Deed or Instrument required to be stamped or marked with such new Die or Dies as aforesaid which shall be ingrossed, written, or printed upon Vellum, Parchment, or Paper stamped or marked otherwise than with such new Die or Dies, and which after the said Day or Time so fixed and appointed as aforesaid shall be first executed or signed by any Party thereto at any Place out of the United Kingdom, it shall

Deeds, &c. stamped with any other Dies after the Day so fixed to be deemed not duly stamped.

be lawful for the said Commissioners, and they are hereby required, upon Proof of the Facts to their Satisfaction, to cancel and allow the Stamp or Stamps impressed on such Deed or Instrument, and to cause such Deed or Instrument to be stamped or marked with such new Die or Dies, to the same Amount of Duty, without Payment of any Penalty, provided such Deed or Instrument shall be produced to the said Commissioners for the Purpose aforesaid within One Calendar Month next after the same shall arrive in this Kingdom.

XVIII. Provided always, and be it enacted, That whenever the said Commissioners shall discontinue the Use of any Die or Dies, and shall provide any new Die or Dies to be used in lieu thereof, and shall give public Notice thereof by Advertisement in the Manner directed by this Act, it shall be lawful for all Persons who shall have in their Custody or Possession any Vellum, Parchment, or Paper stamped or marked with any Die or Dies in lieu of which any such new Die or Dies shall have been provided, and which Vellum, Parchment, or Paper shall, by reason of the providing of such new Die or Dies, be rendered useless or inapplicable for the Purposes for which the same was originally designed, to send the same to the head Office for Stamps in *Westminster* or *Edinburgh* at any Time within Three Calendar Months next after the Day so fixed and appointed by such Advertisement as aforesaid; and it shall be lawful for the said Commissioners, or for any Officer of Stamp Duties duly authorized in that Behalf, to cause the Stamp or Stamps upon such Vellum, Parchment, or Paper to be cancelled, and such Vellum, Parchment, or Paper, or (if the said Commissioners or such Officer shall think fit) any other Vellum, Parchment, or Paper, to be duly stamped or marked with such new Die or Dies in lieu of and to an equal Amount with the Stamp or Stamps so cancelled.

Stamps rendered useless by the Discontinuance of old Dies and the providing of new Dies, to be allowed and exchanged.

XIX. And be it enacted, That in any Case in which the Commissioners of Stamps are or shall be by this Act or any other Act relating to Stamp Duties authorized and directed to cancel Stamps spoiled or rendered useless or unfit for the Purpose intended, and to make Allowance for the same by giving other Stamps in lieu thereof, it shall be lawful for the said Commissioners, if they in their Discretion shall think fit, instead of giving Stamps, to refund and repay to the Party entitled to such Allowance the Amount thereof in Money, deducting therefrom such Per-centage as is allowed by Law on the Purchase of Stamps of the same Description as those in respect of which such Allowance shall be made; and it shall also be lawful for the said Commissioners, if they in their Discretion shall think fit, to refund and repay to any Person possessed of any Stamp or Stamps which shall not have been spoiled or rendered useless or unfit for the Purpose intended, but for which he shall have no immediate Use or Occasion, the Amount or Value of such Stamp or Stamps in Money, deducting therefrom such Per-centage as aforesaid, upon his delivering up such Stamp or Stamps to the said Commissioners to be cancelled, and proving to their Satisfaction that the same was or were purchased by him with a *bonâ fide* Intent to use the same, and that he has paid the full Amount or Value denoted by such Stamp or Stamps, without any Deduction, save and except only the Amount of such Per-centage as aforesaid, and further, that such Stamp or Stamps was or were

Commissioners authorized to refund in Money the Amount of Stamps spoiled or rendered useless.

so purchased within the Period of Three Calendar Months next preceding, and if the same was or were so purchased after the passing of this Act, then that the same was or were so purchased by such Person at the head Office for Stamps in *Westminster* or *Edinburgh*, or from some Distributor or Sub-Distributor of Stamps duly appointed as aforesaid, or from some Person licensed under the Authority of this Act to vend or deal in Stamps.

52 G. 3. c. 150. ' XX. ' And whereas by an Act passed in the Fifty-second Year of the Reign of King *George* the Third, intituled *An Act to amend an Act passed in the Forty-fourth Year of His Majesty's Reign, for granting Stamp Duties in Great Britain, so far as regards the Duties granted on Medicines and on Licences for vending the same*, it was enacted that the Duties imposed by the said Act of the Forty-fourth Year of the said King's Reign upon divers Medicines and medicinal Preparations should be deemed and taken to extend to and attach upon the several Articles mentioned and set forth in the Schedule annexed to the said Act of the Fifty-second Year of the said King's Reign: And whereas it is expedient to alter the said Schedule in the Manner herein-after mentioned; ' be it enacted, That from and after the Tenth Day of *October* in the Year One thousand eight hundred and thirty-three so much of the said Schedule as is contained in the following Words, (that is to say,) " Waters, *videlicet*, all artificial Mineral Waters, and all Waters impregnated with Soda or Mineral Alkali or with Carbonic Acid Gas, and all Compositions in a liquid or solid State to be used for the Purpose of compounding or making any of the said Waters," shall be and the same is hereby repealed.

So much of the Schedule thereto annexed as relates to artificial Mineral Waters repealed.

47 G. 3. c. 18. ' XXI. ' And whereas by an Act passed in the Forty-seventh Year of the Reign of King *George* the Third, intituled *An Act to grant to His Majesty certain Inland Duties of Excise and Taxes in Ireland, and to allow certain Drawbacks in respect thereof, in lieu of former Duties of Excise, Taxes, and Drawbacks*, a Duty of One Shilling was granted and imposed in *Ireland* for and upon every Ounce, Troy Weight, of Gold or Silver Plate wrought, made, or manufactured in *Ireland*, and so in proportion for any greater or less Weight: And whereas for the better Encouragement of the Exportation of such Gold and Silver Plate from *Ireland* to Foreign Parts it is expedient to allow a Drawback of the whole Amount of Duty paid on such Plate exported; ' be it enacted, That from and after the Tenth Day of *October* One thousand eight hundred and thirty-three, upon the Exportation from *Ireland* for any Foreign Parts of any Gold or Silver Plate wrought or manufactured in *Ireland* (the same being new Plate, not having been used), which by the said last-recited Act is charged or chargeable with the said Duty of One Shilling *per* Ounce, and which shall appear to have been duly marked for denoting the Payment of the said Duty, there shall be allowed and paid to the Exporter of such Plate a Drawback or Allowance after the Rate of One Shilling *per* Ounce Troy of such Plate so exported, in like Manner, and under and subject to the like Terms, Conditions, and Regulations as the Drawback or Allowance is directed to be paid or allowed on the Exportation from *Great Britain* of any Gold or Silver Plate under or by virtue of an Act passed in the Parliament of *Great Britain* in the Twenty-fifth Year of the Reign of King *George*

Drawback of the whole Duty to be allowed on the Exportation from *Ireland* of Gold or Silver Plate.

George the Third, intituled *An Act for altering and amending an Act made in the last Session of Parliament, intituled 'An Act for granting to His Majesty certain Duties on all Gold and Silver Plate imported, and also certain Duties on all Gold and Silver wrought Plate made in Great Britain:'* Provided always, that no Drawback or Allowance shall be paid or allowed on the Exportation of any Plate of Gold wrought or manufactured into Rings, nor upon the Exportation of any other Articles of Gold which shall not respectively exceed the Weight of Two Ounces.

25 G. 3. c. 64.

No Drawback on Gold Rings, or Articles not exceeding 2 Ounces.

XXII. 'And whereas it is expedient for facilitating the Execution of the Powers vested in the Commissioners of Stamps that they should be authorized to appoint Officers to take Affidavits;' be it therefore enacted, That it shall be lawful for the said Commissioners, and they or any Two of them are hereby authorized, to appoint by Writing under their Hands and Seals any Officer employed under them to take and receive any Affidavit or Affirmation which is now by Law authorized to be made before the said Commissioners, or any One or more of them; and every such Officer so appointed as aforesaid is hereby authorized to take and receive any such Affidavit upon the Oath of the Person or Persons making the same, and any such Affirmation in the Case of Persons commonly called *Quakers*; and if any Person making any such Affidavit or Affirmation shall knowingly and wilfully make a false Oath or Affirmation of or concerning any of the Matters to be therein specified and set forth, every Person so offending, and being thereof lawfully convicted, shall be subject and liable to such Pains and Penalties as by any Law now in force Persons convicted of wilful and corrupt Perjury are subject and liable to.

Commissioners may appoint Officers to take Affidavits.

XXIII. And be it enacted, That all pecuniary Penalties imposed by or which may be incurred under this Act may be recovered, for the Use of His Majesty, His Heirs and Successors, in any of His Majesty's Courts of Record at *Westminster*, for any Offence committed in *England*, *Wales*, or *Berwick-upon-Tweed*, and in His Majesty's Court of Exchequer in *Scotland* for any Offence committed in that Part of *Great Britain* called *Scotland*, by Action of Debt, Bill, Plaint, or Information, wherein no *Essoign*, Protection, or Privilege, nor more than One *Imparlance*, shall be allowed: Provided always, that it shall be lawful for the Commissioners of Stamps to mitigate or compound any such Penalty, or to stay Proceedings in any Action, Suit, or Prosecution commenced for the Recovery thereof, on such Terms as the said Commissioners shall judge proper and expedient, and also at their Discretion to give all or any Part of any Sum paid by way of Penalty or Compromise to the Person informing them of the Offence in respect of which such Sum shall be paid.

Penalties recoverable in the superior Courts

Commissioner may mitigate Penalties, &c.

XXIV. Provided always, and be it enacted, That it shall be lawful for any Justice of the Peace having Jurisdiction where the Offence shall be committed to hear and determine any Offence against this Act which may subject the Offender to any pecuniary Penalty, and it shall be lawful for any Justice, and he is hereby required, upon Information given or Complaint made before him by the Solicitor or any other Officer of His Majesty's Stamp Duties in *England* or *Scotland*, to summon the Party accused, and also the Witnesses on either Side, to be and appear before the said Justice or before any other

Any Justice of the Peace may determine Offences subject to Penalties upon Information by Solicitor or Officer of Stamp Duties.

Mode of proceeding.

other Justice of the Peace at a Time and Place to be appointed for that Purpose, and either on the Appearance of the Party accused or in default thereof it shall be lawful for such Justice, or any other Justice present at the Time and Place appointed for such Appearance, to proceed to examine into the Matter of Fact, and upon due Proof made thereof by voluntary Confession of the Party, or by Oath of One or more Witness or Witnesses, to give Judgment for the Penalty, and to award and issue out his Warrant for the levying of any Penalty so adjudged, together with the Costs and Expences of such Proceedings, and also the Costs and Expences of such Warrant, and of executing the same on the Goods of the Offender, and to cause Sale to be made of such Goods in case they shall not be redeemed within Five Days, rendering to the Party the Overplus, if any; and where the Goods of such Offender cannot be found sufficient to answer the Penalty and all such Costs and Expences it shall be lawful for such Justice and he is hereby required to commit such Offender to the Common Gaol or House of Correction, there to remain for any Time not less than Three Calendar Months and not exceeding Six Calendar Months, unless such Penalty and all such Costs and Expences shall be sooner paid and satisfied; and if the Person convicted shall find himself aggrieved by the Judgment of any such Justice, it shall be lawful for such Person to appeal against the same to the Justices of the Peace at the General or Quarter Sessions of the Peace for the County or Place within which the Offence shall be committed which shall be held next after the Expiration of Ten Days from the Day on which such Conviction shall have been made, of which Appeal Notice in Writing shall be given to the Prosecutor or Informer Seven clear Days previous to the first Day of such Sessions; and such Justices at such Sessions are hereby authorized to examine Witnesses upon Oath, and finally to hear and determine such Appeal; and in case the Judgment of any such Justice shall be affirmed, it shall be lawful for the Justices at such Sessions to award and order the Person appealing to pay such Costs occasioned by such Appeal as to them shall seem meet: Provided always, that no Person convicted before any such Justice shall be entitled or permitted to appeal against such Conviction in manner aforesaid, unless within Three Days next after such Conviction made he shall enter into a Recognizance with Two sufficient Sureties before such Justice to enter and prosecute such Appeal, and to pay the Amount of the Penalty and Costs in which he shall have been convicted, and also to pay such further Costs as shall be awarded in case such Conviction shall be affirmed on the hearing of such Appeal: Provided also, that no such Proceedings so to be had or taken shall be quashed or vacated for Want of Form, or shall be removed by Certiorari, Suspension, Advocation, or Reduction, or by any other Writ or Process, into any superior or other Court or Jurisdiction; any Law or Usage to the contrary notwithstanding.

Proceedings not to be quashed for Want of Form, or removed.

Justices may mitigate Penalties.

XXV. And be it enacted, That it shall be lawful for any Justice of the Peace before whom any Person shall be convicted of any Offence against the Provisions of this Act which may subject the Offender to any pecuniary Penalty to mitigate such Penalty as he shall see fit; provided that all reasonable Costs and Charges expended or incurred in prosecuting for such Offence shall be always allowed, over and above the Sum to which such Penalty shall be mitigated;

mitigated, and so as such Mitigation do not reduce the Penalty to less than One Fourth of the Penalty incurred, exclusive of such Costs and Charges; any thing herein contained to the contrary notwithstanding.

XXVI. And be it enacted, That all Actions and Prosecutions which shall be brought or commenced against any Person for any thing done in pursuance or under the Authority of this Act shall be commenced and prosecuted within Three Calendar Months next after the Fact committed, and not afterwards, and shall be brought and tried in the County or Place where the Cause of Action shall arise, and not elsewhere; and Notice in Writing of such Action and of the Cause thereof shall be given to the Defendant One Calendar Month at least before the Commencement of the Action; and the Defendant in such Action may plead the General Issue, and give this Act and any other Matter or Thing in Evidence at any Trial to be had thereupon; and if the Cause of Action shall appear to arise from any Matter or Thing done in pursuance and by the Authority of this Act, or if any such Action shall be brought after the Expiration of such Three Calendar Months, or shall be brought in any other County or Place than as aforesaid, or if Notice of such Action shall not have been given in manner aforesaid, or if Tender of sufficient Amends shall have been made before such Action commenced, or if a sufficient Sum of Money shall have been paid into Court after such Action commenced by or on behalf of the Defendant, the Jury shall find a Verdict for the Defendant; and if a Verdict shall pass for the Defendant, or if the Plaintiff shall become Nonsuit, or shall discontinue any such Action, or if, on Demurrer or otherwise, Judgment shall be given against the Plaintiff, the Defendant shall recover his full Costs of Suit as between Attorney and Client, and shall have the like Remedy for the same as any Defendant may have for Costs of Suit in other Cases at Law; and although a Verdict shall be given for the Plaintiff in any such Action, such Plaintiff shall not have Costs against the Defendant, unless the Judge before whom the Trial shall be had shall at the Time of such Trial certify in Writing his Approbation of the Action and of the Verdict obtained thereupon.

Limitation of Actions.

Venue.

Notice of Action.

General Issue.

Tender of Amends.

XXVII. And in order to avoid the frequent Use of divers Terms and Expressions in this Act, and to prevent any Misconstruction of the Terms and Expressions used therein, be it enacted, That wherever in this Act, with reference to any Person, Matter, or Thing, any Word or Words is or are used importing the Singular Number or the Masculine Gender only, yet such Word or Words shall be understood and construed to include several Persons as well as One Person, Females as well as Males, Bodies Politic or Corporate as well as Individuals, and several Matters or Things as well as One Matter or Thing, unless it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Construction of the Terms used in this Act.

XXVIII. And be it enacted, That this Act shall commence and take effect on the Eleventh Day of *October* One thousand eight hundred and thirty-three.

Commencement of Act.

CAP. XCVIII.

An Act for giving to the Corporation of the Governor and Company of the Bank of *England* certain Privileges for a limited Period, under certain Conditions. [29th August 1833].

39 & 40 G. 3.
c. 28.

7 G. 4. c. 46.

Bank of England to enjoy an exclusive Privilege of Banking upon certain Conditions.

During such Privilege, no Banking Company of more than Six Persons to issue Notes payable on Demand within

‘ WHEREAS an Act was passed in the Thirty-ninth and Fortieth Years of the Reign of His Majesty King George the Third, intituled *An Act for establishing an Agreement with the Governor and Company of the Bank of England for advancing the Sum of Three Millions towards the Supply for the Service of the Year One thousand eight hundred* : And whereas it was by the said recited Act declared and enacted, that the said Governor and Company should be and continue a Corporation, with such Powers, Authorities, Emoluments, Profits, and Advantages, and such Privileges of exclusive Banking as are in the said recited Act specified, subject nevertheless to the Powers and Conditions of Redemption, and on the Terms in the said Act mentioned : And whereas an Act passed in the Seventh Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for the better regulating Co-partnerships of certain Bankers in England, and for amending so much of an Act of the Thirty-ninth and Fortieth Years of the Reign of His late Majesty King George the Third, intituled An Act for establishing an Agreement with the Governor and Company of the Bank of England for advancing the Sum of Three Millions towards the Supply for the Service of the Year One thousand eight hundred,* as relates to the same : And whereas it is expedient that certain Privileges of exclusive Banking should be continued to the said Governor and Company for a further limited Period, upon certain Conditions : And whereas the said Governor and Company of the Bank of *England* are willing to deduct and allow to the Public, from the Sums now payable to the said Governor and Company for the Charges of Management of the Public Unredeemed Debt, the annual Sum herein-after mentioned, and for the Period in this Act specified, provided the Privilege of exclusive Banking specified in this Act is continued to the said Governor and Company for the Period specified in this Act :’ May it therefore please Your Majesty that it may be enacted ; and be it enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Governor and Company of the Bank of *England* shall have and enjoy such exclusive Privilege of Banking as is given by this Act, as a Body Corporate, for the Period and upon the Terms and Conditions herein-after mentioned, and subject to Termination of such exclusive Privilege at the Time and in the Manner in this Act specified.

II. And be it further enacted, That during the Continuance of the said Privilege, no Body Politic or Corporate, and no Society or Company, or Persons united or to be united in Covenants or Partnerships, exceeding Six Persons, shall make or issue in *London*, or within Sixty-five Miles thereof, any Bill of Exchange or Promissory Note, or Engagement for the Payment of Money on Demand, or upon

upon which any Person holding the same may obtain Payment on Demand: Provided always, that nothing herein or in the said recited Act of the Seventh Year of the Reign of His late Majesty King *George* the Fourth contained shall be construed to prevent any Body Politic or Corporate, or any Society or Company, or Incorporated Company or Corporation, or Co-partnership, carrying on and transacting Banking Business at any greater Distance than Sixty-five Miles from *London*, and not having any House of Business or Establishment as Bankers in *London*, or within Sixty-five Miles thereof, (except as herein-after mentioned,) to make and issue their Bills and Notes, payable on Demand or otherwise, at the Place at which the same shall be issued, being more than Sixty-five Miles from *London*, and also in *London*, and to have an Agent or Agents in *London*, or at any other Place at which such Bills or Notes shall be made payable, for the Purpose of Payment only, but no such Bill or Note shall be for any Sum less than Five Pounds, or be re-issued in *London* or within Sixty-five Miles thereof.

London, or
Sixty-five Miles
thereof.

III. ' And whereas the Intention of this Act is, that the Governor and Company of the Bank of *England* should, during the Period stated in this Act (subject nevertheless to such Redemption as is described in this Act), continue to hold and enjoy all the exclusive Privileges of Banking given by the said recited Act of the Thirtieth and Fortieth Years of the Reign of His Majesty King *George* the Third aforesaid, as regulated by the said recited Act of the Seventh Year of His late Majesty King *George* the Fourth, or any prior or subsequent Act or Acts of Parliament, but no other or further exclusive Privilege of Banking: And whereas Doubts have arisen as to the Construction of the said Acts, and as to the Extent of such exclusive Privilege; and it is expedient that all such Doubts should be removed; be it therefore declared and enacted, That any Body Politic or Corporate, or Society, or Company, or Partnership, although consisting of more than Six Persons, may carry on the Trade or Business of Banking in *London*, or within Sixty-five Miles thereof, provided that such Body Politic or Corporate, or Society, or Company, or Partnership, do not borrow, owe, or take up in *England* any Sum or Sums of Money on their Bills or Notes payable on Demand, or at any less Time than Six Months from the borrowing thereof, during the Continuance of the Privileges granted by this Act to the said Governor and Company of the Bank of *England*.

Any Company
or Partnership
may carry on
Business of
Banking in
London, or
within 65 Miles
thereof, upon
the Terms
herein men-
tioned.

IV. Provided always, and be it further enacted, That from and after the First Day of *August* One thousand eight hundred and thirty-four all Promissory Notes payable on Demand of the Governor and Company of the Bank of *England* which shall be issued at any Place in that Part of the United Kingdom called *England* out of *London*, where the Trade and Business of Banking shall be carried on for and on behalf of the said Governor and Company of the Bank of *England*, shall be made payable at the Place where such Promissory Notes shall be issued; and it shall not be lawful for the said Governor and Company, or any Committee, Agent, Cashier, Officer, or Servant of the said Governor and Company, to issue, at any such Place out of *London*, any Promissory Note payable on Demand which shall not be made payable at the Place where the same shall be issued, any thing in the said recited Act of the Seventh Year aforesaid to the contrary notwithstanding.

All Notes of
the Bank of
England paya-
ble on Demand
which shall be
issued out of
London shall
be payable at
the Place where
issued, &c.

of England for Payment of unclaimed Dividends, Annuities, and Lottery Prizes, and for regulating the Allowances to be made for the Management of the National Debt.

XIV. And be it further enacted, That all the Powers, Authorities, Franchises, Privileges, and Advantages given or recognized by the said recited Act of the Thirty-ninth and Fortieth Years aforesaid, as belonging to or enjoyed by the Governor and Company of the Bank of *England*, or by any subsequent Act or Acts of Parliament, shall be and the same are hereby declared to be in full force and continued by this Act, except so far as the same are altered by this Act, subject nevertheless to such Redemption upon the Terms and Conditions following; (that is to say,) that at any Time, upon Twelve Months Notice to be given after the First Day of *August* One thousand eight hundred and fifty-five, and upon Repayment by Parliament to the said Governor and Company or their Successors of the Sum of Eleven millions fifteen thousand one hundred Pounds, being the Debt which will remain due from the Public to the said Governor and Company after the Payment of the One Fourth of the Debt of Fourteen millions six hundred and eighty-six thousand eight hundred Pounds as herein-before provided, without any Deduction, Discount, or Abatement whatsoever, and upon Payment to the said Governor and Company and their Successors of all Arrears of the Sum of One hundred thousand Pounds *per Annum* in the said Act of the Thirty-ninth and Fortieth Years aforesaid mentioned, together with the Interest or Annuities payable upon the said Debt or in respect thereof, and also upon Repayment of all the Principal and Interest which shall be owing unto the said Governor and Company and their Successors upon all such Tallies, Exchequer Orders, Exchequer Bills, or Parliamentary Funds which the said Governor and Company or their Successors shall have remaining in their Hands or be entitled to at the Time of such Notice to be given as last aforesaid, then and in such Case and not till then, (unless under the Proviso herein-before contained,) the said exclusive Privileges of Banking granted by this Act shall cease and determine at the Expiration of such Notice of Twelve Months.

Provisions of Act of 39 & 40 G. 3. to remain in force, except as altered by this Act.

XV. And be it further enacted, That this Act may be altered, amended, or repealed by any Act to be passed in this Session of Parliament.

Act may be amended this Session.

CAP. XCIX.

An Act for facilitating the Appointment of Sheriffs, and the more effectual Audit and passing of their Accounts; and for the more speedy Return and Recovery of Fines, Issues, forfeited Recognizances, Penalties, and Deodands; and to abolish certain Offices in the Court of Exchequer. [29th *August* 1833.]

‘ **W**HEREAS the Appointment of Sheriffs, and the Audit and passing of their Accounts in the Court of Exchequer, are attended with unnecessary Expence, Delay, and Trouble:’ For Remedy whereof be it enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled,

terfeit Die, Plate, or Instrument, or of any Vellum, Parchment, or Paper with any counterfeit Stamp, Mark, or Impression thereon; or in unlawfully or fraudulently, or without due Authority, marking or impressing any lawful Stamp on any Vellum, Parchment, or Paper, or in causing or procuring the same to be so marked or impressed, or in aiding, abetting, or assisting in so marking or impressing the same; or in the unlawful Possession of any Vellum, Parchment, or Paper, or other Material, unlawfully or fraudulently or without due Authority stamped or marked, contrary to any of the Provisions or Regulations contained in any Act relating to Stamp Duties; or of being or having been in any way engaged or concerned in the fraudulent erasing, cutting, scraping, discharging, or getting out of or from or off any stamped Vellum, Parchment, or Paper any Matter or Thing thereon written, printed, or expressed; or in the unlawful Possession of any stamped Vellum, Parchment, or Paper from or off or out of which any Matter or Thing shall have been fraudulently erased, cut, scraped, discharged, or gotten as aforesaid; then and in every or any of the said Cases it shall be lawful for such Justice by Warrant under his Hand to cause any and every Dwelling House, Room, Workshop, Outhouse, or other Building, Yard, Garden, or other Place belonging to such suspected Person, or where any such Person shall be suspected of being or of having been in any way engaged or concerned in the Commission of any such Offence as aforesaid, or of secreting any such Die, Plate, or Instrument, or any such Vellum, Parchment, or Paper, or any of the Machinery, Implements, or Utensils necessary or applicable to the Commission of any such Offence as aforesaid, to be searched for any such stamped Vellum, Parchment, or Paper, and for any such Die, Plate, or Instrument, Machinery, Implement, or Utensil, or other Matter or Thing as aforesaid; and if any of the said several Matters and Things shall be found in any Place so searched, or in the Custody or Possession of any Person whatsoever not having the same by some lawful Authority, it shall be lawful for the Person finding any such Matters or Things to seize the same respectively, and to carry the same forthwith to the Justice by whom such Warrant shall be granted, or to any other Justice of the Peace having Jurisdiction where the same shall be seized, who shall cause the same to be secured and produced in Evidence against any Person who shall or may be prosecuted in any Court of Justice for any of the Offences aforesaid; and afterwards the said Matters and Things so seized, whether produced in Evidence or not, shall, by Order of the Court or Judge before whom such Offender shall be tried, or by Order of some Justice of the Peace in case there shall be no such Trial, be delivered over to the Commissioners of Stamps, to be defaced or destroyed, or otherwise disposed of, as the said Commissioners shall think fit.

Penalty on
Persons hawk-
ing Stamps, 20*l*.

XIV. And be it enacted, That if any Person, whether he shall be licensed to vend or deal in Stamps or not, shall hawk or carry about for Sale or Exchange any stamped Vellum, Parchment, or Paper, or if any Person shall utter or offer for Sale or Exchange, at any House, Shop, or Place other than the House or Shop in which he shall reside or *bona fide* carry on his Trade or Business, any such stamped Vellum, Parchment, or Paper, every such Person shall forfeit the Sum of Twenty Pounds, over and above any Penalty to which he may be liable for vending or dealing in Stamps without being

being licensed so to do; and it shall moreover be lawful for any Person, without any other Warrant than this Act, for that Purpose to apprehend any Person so hawking, carrying about, uttering, or offering for Sale or Exchange such stamped Vellum, Parchment, or Paper, and to take him or cause him to be taken before any Justice of the Peace having Jurisdiction where the Offence shall be committed, who shall hear and determine the Matter; and if the Offender shall not immediately on his Conviction pay the said Penalty, such Justice shall commit him to Prison for any Period of Time not less than One nor more than Three Calendar Months, unless such Penalty shall be sooner paid or satisfied; and all stamped Vellum, Parchment, and Paper which shall be found in the Possession of such Offender shall be forfeited to His Majesty, and shall be taken possession of by such Justice, and be delivered over to the Commissioners of Stamps, to be disposed of in any Manner as they shall think fit: Provided always, that if such Offender shall not be apprehended and proceeded against in the Manner herein-before directed, then the said Penalty of Twenty Pounds shall be recoverable by any other of the Ways and Means provided for the Recovery of Penalties incurred under this Act.

Hawkers of Stamps may be apprehended, and taken before a Justice of the Peace.

XV. And for the better preventing and detecting of Felonies and Frauds in relation to stamped Vellum, Parchment, or Paper, be it enacted, That it shall be lawful for any Justice of the Peace having Jurisdiction where any stamped Vellum, Parchment, or Paper shall be or be supposed to be concealed or deposited, upon any reasonable Suspicion that such stamped Vellum, Parchment, or Paper has been stolen or fraudulently obtained, to issue his Warrant for the seizing and detaining of such stamped Vellum, Parchment, and Paper, and for apprehending and bringing before such Justice or any other Justice within the same Jurisdiction the Person in whose Possession or Custody such stamped Vellum, Parchment, or Paper shall be found, to be dealt with according to Law; and if such Person shall omit or refuse to account for the Possession of such stamped Vellum, Parchment, or Paper, or shall be unable satisfactorily to account for the Possession thereof, or it shall not appear that the same was or were purchased by him at the head Office for Stamps in *Westminster* or *Edinburgh*, or from some Distributor or Sub-Distributor of Stamps, or some Vendor of Stamps duly licensed under the Authority of this Act, then and in every such Case such stamped Vellum, Parchment, and Paper, or such Part thereof of which no Account or no satisfactory Account shall be given, or which shall not appear to have been purchased at either of the said head Offices, or from some Distributor or Sub-Distributor of Stamps or licensed Vendor as aforesaid, shall be forfeited to His Majesty, and shall be accordingly condemned by such Justice, and thereupon the same shall be delivered over to the Commissioners of Stamps, who shall keep the same for the Space of Six Calendar Months, and afterwards cancel and destroy the same, or dispose thereof for the Use of His Majesty's Revenue, as they shall think fit: Provided always, that if at any Time within Six Calendar Months next after such Condemnation any Person shall make out to the Satisfaction of such Justice that the Vellum, Parchment, or Paper so forfeited, or any Part thereof, was or were stolen or otherwise fraudulently obtained from him, and it shall also appear

Justices may issue Warrants for seizing Stamps suspected to be stolen or fraudulently obtained.

appear that the same was or were purchased by him at either of the said head Offices, or from some Distributor or Sub-Distributor or licensed Vendor of Stamps as aforesaid, it shall be lawful for such Person to have the same, or such Part thereof as shall be so proved to have been stolen or fraudulently obtained from him, delivered up to him, on producing a Certificate under the Hand and Seal of such Justice that the Right of such Person therein hath been duly proved: Provided also, that no such Certificate shall be given unless Notice in Writing under the Hand of such Justice shall be given to the Solicitor of Stamps Seven clear Days at the least previously to the Day of hearing any Claim, in respect of such stamped Vellum, Parchment, or Paper, of the Time and Place appointed for such Hearing.

Commissioners may discontinue Dies, and provide new ones in lieu thereof.

XVI. And be it enacted, That it shall be lawful for the Commissioners of Stamps from Time to Time, whenever they shall deem it necessary or expedient, to discontinue the Use of all or any of the Dies heretofore provided or used, or at any Time hereafter to be provided or used, for denoting or marking any Stamp Duty which now is or at any Time hereafter shall be by Law payable for or in respect of any Matter or Thing whatsoever, and to cause any new Die or Dies, with such altered Device or Devices respectively thereon as the said Commissioners shall think fit, to be provided and used in lieu of the Die or Dies so discontinued.

After a Day fixed by Notice in the Gazette the new Dies to be the only true and lawful Dies.

XVII. And be it enacted, That whenever the said Commissioners shall determine to discontinue the Use of any Die or Dies, and shall provide any new Die or Dies to be used in lieu thereof, and the said Commissioners shall give public Notice thereof by Advertisement in the *London* and *Edinburgh* Gazettes respectively, then from and after such Day or Time as shall be fixed and appointed by such Advertisement, not being within the Space of One Calendar Month next after the same shall have been published in the said Gazettes respectively, the said new Die or Dies so provided shall be the only true and lawful Die or Dies for denoting the Duty charged or chargeable in any Case to which such Die or Dies is or are respectively applicable; and all Deeds and Instruments for the marking or stamping of which any such new Die or Dies shall have been provided, and which after the Day so fixed and appointed as aforesaid shall be ingrossed, written, or printed upon Vellum, Parchment, or Paper stamped or marked with any other Die or Dies than the said new Die or Dies so provided for the same as aforesaid, and also all such Deeds and Instruments as aforesaid which, having been ingrossed, written, or printed upon Vellum, Parchment, or Paper stamped or marked as last aforesaid, shall not have been executed or signed by any Party thereto before or upon the said Day so fixed and appointed as aforesaid, shall respectively be deemed to be ingrossed, written, or printed on Vellum, Parchment, or Paper not duly stamped or marked as required by Law: Provided always, that in the Case of any Deed or Instrument required to be stamped or marked with such new Die or Dies as aforesaid which shall be ingrossed, written, or printed upon Vellum, Parchment, or Paper stamped or marked otherwise than with such new Die or Dies, and which after the said Day or Time so fixed and appointed as aforesaid shall be first executed or signed by any Party thereto at any Place out of the United Kingdom, it shall

Deeds, &c. stamped with any other Dies after the Day so fixed to be deemed not duly stamped.

be lawful for the said Commissioners, and they are hereby required, upon Proof of the Facts to their Satisfaction, to cancel and allow the Stamp or Stamps impressed on such Deed or Instrument, and to cause such Deed or Instrument to be stamped or marked with such new Die or Dies, to the same Amount of Duty, without Payment of any Penalty, provided such Deed or Instrument shall be produced to the said Commissioners for the Purpose aforesaid within One Calendar Month next after the same shall arrive in this Kingdom.

XVIII. Provided always, and be it enacted, That whenever the said Commissioners shall discontinue the Use of any Die or Dies, and shall provide any new Die or Dies to be used in lieu thereof, and shall give public Notice thereof by Advertisement in the Manner directed by this Act, it shall be lawful for all Persons who shall have in their Custody or Possession any Vellum, Parchment, or Paper stamped or marked with any Die or Dies in lieu of which any such new Die or Dies shall have been provided, and which Vellum, Parchment, or Paper shall, by reason of the providing of such new Die or Dies, be rendered useless or inapplicable for the Purposes for which the same was originally designed, to send the same to the head Office for Stamps in *Westminster* or *Edinburgh* at any Time within Three Calendar Months next after the Day so fixed and appointed by such Advertisement as aforesaid; and it shall be lawful for the said Commissioners, or for any Officer of Stamp Duties duly authorized in that Behalf, to cause the Stamp or Stamps upon such Vellum, Parchment, or Paper to be cancelled, and such Vellum, Parchment, or Paper, or (if the said Commissioners or such Officer shall think fit) any other Vellum, Parchment, or Paper, to be duly stamped or marked with such new Die or Dies in lieu of and to an equal Amount with the Stamp or Stamps so cancelled.

Stamps rendered useless by the Discontinuance of old Dies and the providing of new Dies, to be allowed and exchanged.

XIX. And be it enacted, That in any Case in which the Commissioners of Stamps are or shall be by this Act or any other Act relating to Stamp Duties authorized and directed to cancel Stamps spoiled or rendered useless or unfit for the Purpose intended, and to make Allowance for the same by giving other Stamps in lieu thereof, it shall be lawful for the said Commissioners, if they in their Discretion shall think fit, instead of giving Stamps, to refund and repay to the Party entitled to such Allowance the Amount thereof in Money, deducting therefrom such Per-centage as is allowed by Law on the Purchase of Stamps of the same Description as those in respect of which such Allowance shall be made; and it shall also be lawful for the said Commissioners, if they in their Discretion shall think fit, to refund and repay to any Person possessed of any Stamp or Stamps which shall not have been spoiled or rendered useless or unfit for the Purpose intended, but for which he shall have no immediate Use or Occasion, the Amount or Value of such Stamp or Stamps in Money, deducting therefrom such Per-centage as aforesaid, upon his delivering up such Stamp or Stamps to the said Commissioners to be cancelled, and proving to their Satisfaction that the same was or were purchased by him with a *bonâ fide* Intent to use the same, and that he has paid the full Amount or Value denoted by such Stamp or Stamps, without any Deduction, save and except only the Amount of such Per-centage as aforesaid, and further, that such Stamp or Stamps was or were

Commissioners authorized to refund in Money the Amount of Stamps spoiled or rendered useless.

- 25 G. 3. c. 52. ing Public Accounts under and by virtue of the Three several Acts herein-after next mentioned; (that is to say,) an Act passed in the Twenty-fifth Year of the Reign of His late Majesty King George the Third, intituled *An Act for better examining and auditing the Public Accounts of this Kingdom*; an Act passed in the Forty-sixth Year of the Reign of His said late Majesty King George the Third intituled *An Act for making more effectual Provision for the more speedy and regular Examination and Audit of the Public Accounts of this Kingdom*; and an Act passed in the First and Second Years of the Reign of His late Majesty King George the Fourth, intituled *An Act to alter and abolish certain Forms of Proceedings in the Exchequer and Audit Office relative to Public Accountants, and for making further Provisions for the Purpose of facilitating and expediting the passing of Public Accounts in Great Britain; and to render perpetual and amend an Act passed in the Fifty-fourth Year of His late Majesty, for the effectual Examination of the Accounts of certain Colonial Revenues*; and all the Powers and Provisions now in force of the same Acts shall extend and be applicable to the Examination, Audit, and Discharge of the Accounts of such Sheriffs by the said Commissioners (so far as those Powers and Provisions are applicable thereto, and are not varied by this Act).
- 46 G. 3. c. 141.
- 1 & 2 G. 4. c. 121.

Sheriffs going out of Office (except those of Chester, Lancaster, and Durham) to transmit Accounts to Commissioners.

IX. And be it further enacted, That every Person and Persons who now are or who hereafter shall be Sheriff or Sheriffs of any County, City, or Town within *England* (except the said Counties Palatine of *Chester*, *Lancaster*, and *Durham*,) shall within Two Calendar Months next after the Expiration of his or their Office, or in case of the Death of any Sheriff or Sheriffs the Under Sheriff by him or them appointed shall within Two Calendar Months next after the Death of such Sheriff or Sheriffs, transmit to the said Commissioners for auditing Public Accounts a just and true Account, under his or their Hand or Hands, of all Sums received by such Sheriff or Sheriffs to or for the Use of His Majesty, and of all Sums paid or claimed by him or them, or on his or their Behalf (save such Sums as are or have been usually inserted and allowed in the Bill of Cravings), with all such Particulars as shall be needful to explain the same: Provided always, that such Under Sheriff shall not be personally responsible for any Sum or Sums received by such deceased Sheriff, but that the same shall be answered by the Representatives of the said deceased Sheriff, or otherwise in due Course of Law: Provided always, that the Sheriff of *Westmoreland* shall yearly, within Two Calendar Months next after the First Day of *January* in every Year, transmit or cause to be transmitted to the said Commissioners for auditing the Public Accounts a like Account under his Hand, or the Hand of his Under Sheriff, of all Sums paid by him to or for the Use of His Majesty within or during the Year of our Lord next preceding, and of all Sums paid or claimed by him or on his Behalf during the same Period (save such Sums as are or have been usually inserted in the Bill of Cravings), with all such Particulars as shall be needful to explain the same.

Sheriff of Westmoreland to transmit like Accounts yearly.

The Oath or Affidavit of Sheriff may be taken before

X. And be it further enacted, That in case it shall be necessary for any such Sheriff or Sheriffs, or his or their Under Sheriff, to make Oath or Affidavit to any such Account, or any Article, Matter,

Matter, or Thing relating thereto, such Oath or Affidavit, except when the said Commissioners shall require his or their personal Examination before them, shall and may be sworn before any of the Judges of His Majesty's Superior Courts of Record at *Westminster*, or before any Commissioner for taking Affidavits in any of the same Courts, or before any Master or Master Extraordinary in the High Court of Chancery, or before any of His Majesty's Justices of the Peace.

a Judge, Commissioner, or Magistrate.

XI. And be it further enacted, That the Claim of every Sheriff or Sheriffs for certain Allowances usually called the Bill of Cravings shall, from and after the passing of this Act, be preferred to the Lord High Treasurer or the Commissioners of His Majesty's Treasury for the Time being, who, or any Three or more of whom, shall and may grant a Warrant for the Allowance of the same in the Account of such Sheriff or Sheriffs, or for the Payment of such Sum or Sums of Money in respect thereof as they shall think reasonable in that Behalf.

Bill of Cravings to be settled by the Treasury.

XII. 'And whereas the present Mode of managing and collecting certain Quit Rents and Vicecomital or Viscontiel Rents due to His Majesty, and the present Mode of accounting for and paying Post-fines on Alienation of Lands and other Hereditaments, have been found disadvantageous to the Public Service, and inconvenient and troublesome to Sheriffs;' for Remedy whereof be it enacted, That from and after the Tenth Day of *October* next no Sheriff or Sheriffs shall receive or shall be chargeable with the Collection and Receipt of Quit Rents, Vicecomital or Viscontiel Rents, and other Rents or Payments issuing out of or payable to His Majesty in respect of any Honors, Manors, Lands, Tenements, or Hereditaments in *England* or *Wales*, but the same (except such as shall be released pursuant to the Provision next herein-after contained) shall hereafter be considered as Part and Parcel of the Land Revenue of the Crown, and shall be under the Care, Management, and Direction of His Majesty's Commissioners of Woods, Forests, and Land Revenue, who shall have and exercise the same Powers and Authorities for collecting and enforcing the Payment thereof as are given to or vested in them for collecting and enforcing Payment of any other Part of His Majesty's Land Revenue by any Act or Acts now in force concerning the same.

Quit Rents, &c. to be received by Commissioners of Woods, Forests, and Land Revenues.

XIII. 'And whereas many of the said Rents are very ancient, and have become obsolete, and it is not known out of or from what Hereditaments and Premises the same are issuing and payable, so that Payment thereof cannot be enforced;' be it therefore enacted, That it shall be lawful for the Lord High Treasurer or the Commissioners of His Majesty's Treasury, and he and they are hereby empowered, by Warrant under his or their Hands, to remit, release, and discharge all or any of the same Rents, and the Arrears thereof, or any Part thereof.

Power to Treasury to release certain Rents.

XIV. And be it further enacted, That so much of an Act passed in the Thirty-second Year of the Reign of His Majesty King *George* the Second, intituled *An Act for the more regular and easy collecting, accounting for, and paying of Post-fines which shall be due to the Crown, and for the Ease of Sheriffs in respect of the same*, as requires the Receiver of Pre-fines at the Alienation Office to become bound by Recognizance to pay, or to pay to any Sheriff on producing his Quietus,

Certain Parts of 32 G. 2. c. 14. repealed.

Quietus, the Sum Total of the Post-fines mentioned in such Quietus, and as requires such Receiver to become in like Manner bound to pay, or to pay unto all and every the Lords of Liberties, Proprietors and Grantees of Post-fines under the Crown, or to their lawful Bailiffs or Attorney, on producing the respective Schedules of the Foreign Apposer or Clerk of the Estreats of the Court of Exchequer, the Sums of Money in such Schedules contained, be and the same is hereby repealed.

Sheriffs not to be chargeable with Pre-fines or Post-fines.

XV. And be it further enacted, That no Sheriff or Sheriffs of any County, City, or Town within *England* and *Wales* shall from henceforth receive or be charged or chargeable with any Fine or Fines usually called Pre-fines and Post-fines, payable on Alienation of Lands or other Hereditaments, but the same Fines shall be received by the said Receiver General of Alienation Fines, who shall pay and apply the same to such Person or Persons, in such Sums, and in such Manner as the Lord High Treasurer or the Commissioners of His Majesty's Treasury shall, by Warrant under his or their Hands, order or direct, except as to any such Fine or Fines, Sum or Sums of Money, as shall or may be ordered to be paid by any Order of His Majesty's Court of Exchequer in pursuance of the Provision herein-after contained.

Not to extend to the County Palatine of Lancaster.

XVI. Provided always, and be it further enacted, That nothing herein contained shall extend to the Pre-fines and Post-fines arising within the County Palatine of *Lancaster*, which last-mentioned Pre-fines and Post-fines shall be received and accounted for in like Manner as hath heretofore been accustomed.

Receiver General to keep Books, with Liberty of Inspection to Persons entitled to Fines.

XVII. And be it further enacted, That for the better Information of all Persons interested in or who may claim Title to the Fines last before mentioned, or any of them, the Receiver General of Alienation Fines shall provide and keep Books, in which he shall, in the *English* Language, in a common and legible Hand and Character, and as to Sums and Dates in Words at Length, enter and keep a true and full Account of every Pre and Post Fine received by him, and in what Town, Parish, or Place the Premises are situate in respect of which the same Fine or Fines shall have been paid or received; all which Book shall at all seasonable Times be open to the Inspection and Examination of all and every Body Corporate or Politic, Person and Persons, claiming to be entitled to or interested in the same Fines or any of them, and his and their Bailiff or Bailiffs, Agent or Agents.

Treasury may order Payment to Parties entitled.

XVIII. And be it further enacted, That it shall be lawful for the Lord High Treasurer or any Three of the Commissioners of His Majesty's Treasury, by Warrant under his or their Hand, from Time to Time to order and direct the said Receiver General to pay such of the same Fines, or any of them, or any Part thereof, to any Body Politic or Corporate, Person or Persons, entitled to the same, or to his, her, or their Bailiff or Bailiffs, Agent or Agents: Provided always, that, notwithstanding such Payment, any Body Politic or Corporate, Person or Persons, aggrieved thereby, shall and may apply by Petition in the Manner herein-after mentioned against the Party or Parties to whom such Payment shall have been made, to restore or refund the Sums by him or them so received.

On Refusal of Treasury, Appeal may

XIX. Provided always, and be it further enacted, That in case the Commissioners of His Majesty's Treasury shall neglect, refuse,

or

or decline to order the Payment of any Fine or Fines received by the Receiver General of Alienation Fines which shall be claimed by any Body Corporate or Politic, Person or Persons, or if any Party shall be aggrieved by any Order for Payment made by the said Commissioners, it shall be lawful for any such Body Corporate or Politic, Person or Persons, to apply by Petition, in a summary Manner, to the Lord Chief Baron and the other Barons of His Majesty's Court of Exchequer, setting forth the Nature of the Claim or Title of the Petitioner or Petitioners; and thereupon the said Barons of His Majesty's Court of Exchequer shall and they are hereby authorized to proceed to call the proper Parties before them, and to hear and determine the Matter of the said Petition, and to give such Costs and to make such Order or Orders therein as they shall consider just; and in case Payment be thereby ordered of any Sum or Sums of Money in respect of such Fines, or any of them, by the said Receiver General of Alienation Fines, he is hereby authorized and required to pay the same according to such Order or Orders.

be made to the Court of Exchequer by Petition.

XX. And be it further enacted, That from and after the passing of this Act the Accounts of the said Receiver General of Alienation Fines shall be audited and examined by the said Commissioners appointed or to be appointed for auditing Public Accounts under and by virtue of the said herein-before recited Acts passed in the Twenty-fifth and Forty-sixth Years of the Reign of His late Majesty King *George* the Third, and the said recited Act passed in the First and Second Years of the Reign of His late Majesty King *George* the Fourth; and all the Powers and Provisions now in force of the same Acts, so far as the same are applicable to such Accounts of the said Receiver General, and not varied by this Act, shall extend and be applicable to the Accounts of the said Receiver General in the same Manner and as fully and effectually as if the said Receiver General had been named and included in the said last-mentioned Acts as a Public Accountant.

Accounts of Receiver General to be audited by Commissioners for auditing Public Accounts.

XXI. Provided always, and be it further enacted, That it shall not be necessary to declare the Accounts by this Act required to be audited by the Commissioners of Public Accounts by or before the Chancellor of the Exchequer, but the said Commissioners of Audit shall transmit a Statement of every Account examined and audited by them under the Authority of this Act to the Lord High Treasurer or the Commissioners of the Treasury for the Time being, who, having considered such Statement, shall return the same to the Commissioners of Audit, together with his or their Warrant, directing them to make up and pass the Account, either conformably to the Statement, or with such Variations as he or they may deem just and reasonable; and the Account having been made up pursuant to such Directions, and signed by Three or more of the said Commissioners for auditing the Public Accounts, shall remain deposited in the Audit Office, and shall have the same Force and Validity, and be as efficient in Law for all Purposes whatsoever, as if the same had been declared according to the usual Course by the Chancellor of the Exchequer; and the said Commissioners shall thereupon, as soon as conveniently may be, cause such or the like Certificate thereof, in the Nature of a *Quietus*, to be made out and delivered as is now practised by them with regard to declared Accounts, and which

Accounts when audited to be transmitted to Lords of Treasury.

which shall be equally valid and effectual to discharge the Accountants, and to all other Intents and Purposes.

Part of Stat.
22 & 23 C. 2.
c. 22. requiring
Fines, &c. to
be certified and
estreated into
the Exchequer
Twice a Year
repealed.

XXII. ' And whereas an Act was passed in the Twenty-second
' and Twenty-third Years of the Reign of His late Majesty King
' *Charles the Second*, intituled *An Act for the better and more certain*
' *Recovery of Fines and Forfeitures due to His Majesty*, and which
' Act was made perpetual by an Act made in the Fourth and Fifth
' Years of the Reign of Their late Majesties King *William* and Queen
' *Mary* : And whereas it is expedient that further Provision should
' be made for the speedy and regular Return of Fines, Issues,
' Amerciaments, Penalties, forfeited Recognizances, and Deodands,
' in certain Cases ;' be it therefore further enacted, That from and
after the Tenth Day of *October* next so much of the aforesaid Act
passed in the Twenty-second and Twenty-third Years of the Reign
of His late Majesty King *Charles the Second* as requires all Fines,
Forfeitures, Issues, Amerciaments, forfeited Recognizances, Sum
and Sums of Money paid in lieu and satisfaction of them or any of
them, and all other Forfeitures whatsoever, set, imposed, lost, or
forfeited in His Majesty's Courts of King's Bench, Common Pleas,
or Exchequer, or by or before any Judge or Judges of Assize, Clerk
of the Market, or Commissioners of Sewers, throughout the King-
dom of *England*, to be certified and estreated into the Court of Ex-
chequer twice in every Year yearly, at the Times thereby appointed,
and also such Part of the aforesaid Act of Their late Majesties
King *William* and Queen *Mary* as makes perpetual the aforesaid
Provisions contained in the said Act passed in the Twenty-second
and Twenty-third Years of the Reign of King *Charles the Second*,
shall be and are hereby repealed.

Clerk of Parlia-
ment to return
to Treasury or
to Commis-
sioners an
Account of
Fines set in the
House of Lords;

XXIII. And be it further enacted, That the Clerk of the Par-
liament shall, within Fourteen Days next after every Session of Par-
liament, make out an Account of all and every Fines or Fine which
shall or may be set or imposed, and also of all Recognizances
ordered to be estreated, by the Lords Spiritual and Temporal in Par-
liament assembled during such preceding Session of Parliament, with
the Names and Residences of the Parties, and distinguishing such
of the said Fines as shall have been received, and transmit the same
to the Lord High Treasurer or to the Commissioners of His Maje-
sty's Treasury, and also a Duplicate thereof to the said Commis-
sioners for auditing the Public Accounts, and also shall, within the
Time aforesaid, certify and estreat all such Fines as shall not have
been received by him in and into His Majesty's Court of Exchequer.

and pay Fines
received as
Treasury shall
direct.

XXIV. And be it further enacted, That all Fines which shall be
received by the said Clerk of the Parliament shall be paid by him to
such Person or Persons, at such Times, and in such Manner as the
Lord High Treasurer, or any Three of the Commissioners of His
Majesty's Treasury, shall by Warrant direct.

Clerk of House
of Commons to
make Return of
all Recogni-
zances.

XXV. And be it further enacted, That the Clerk of the House
of Commons shall, within Fourteen Days next after every Session
of Parliament, make out an Account of all Recognizances certified
by the Speaker of the said House or estreated by him into the Ex-
chequer, with the Names and Residences of the Parties, and trans-
mit the same to the Lord High Treasurer, or to the Commissioners
of His Majesty's Treasury, and also a Duplicate thereof to the said
Commissioners for auditing the Public Accounts.

XXVI. And

XXVI. And be it further enacted, That the King's Coroner and Attorney of His Majesty's Court of King's Bench, and the Prothonotaries of His Majesty's Court of Common Pleas, and His Majesty's Remembrancer of the Court of Exchequer, and also the Masters and Prothonotaries of the Office of Pleas in the same Court, respectively, shall on the first Day of every Term make out an Account of all Fines, Issues, Amerciaments, Penalties, and Recognizances set, lost, imposed, or forfeited to or for the Use of His Majesty in the said Courts respectively, and not before estreated, with the Names and Residences of the Parties, and distinguishing such as shall have been paid, and transmit the same to the Commissioners of His Majesty's Treasury, and also a Duplicate thereof to the said Commissioners for auditing the Public Accounts.

Account of
Fines in King's
Bench, Com-
mon Pleas, and
Exchequer to
be transmitted
to Treasury and
to Commis-
sioners of
Audit.

XXVII. And be it further enacted, That the said Coroner and Attorney of His Majesty's Court of King's Bench, the Prothonotaries of the Court of Common Pleas, and the Master and Prothonotaries of the Office of Pleas, and King's Remembrancer, respectively, shall on the first Day of every Term, and at such other Time or Times as they shall respectively be ordered or required so to do by any Order of the said Courts respectively, or by the Order of any Judge or Baron thereof, certify and estreat all such Fines, Issues, Amerciaments, Penalties, and Recognizances set, lost, imposed, or forfeited as aforesaid, and not received by them respectively, in and into the said Court of Exchequer.

Unpaid Fines to
be estreated.

XXVIII. And be it further enacted, That all such Fines, Issues, Amerciaments, Penalties, and Recognizances set, lost, imposed, or forfeited as aforesaid, which shall be received by any of the said Officers of the said Courts of King's Bench, Common Pleas, or Exchequer, shall be paid by them respectively to such Officer or Officers or to such Person or Persons entitled thereto, and at such Times and in such Manner as the Lord High Treasurer or the Commissioners of His Majesty's Treasury shall by Warrant under his or their Hands direct.

Fines, &c.
received to be
paid as Treas-
ury shall
direct.

XXIX. And be it further enacted, That an Account in Writing of all Fines, Issues, Amerciaments, Penalties, and Recognizances set, lost, imposed, or forfeited to or for the Use of His Majesty by or before any Judge or Judges of Assizes, Clerk of the Market, or Commissioners of Sewers, throughout the Kingdom of *England*, and also all Deodands found or forfeited to or for the Use of His Majesty throughout the same Kingdom, shall, within Fourteen Days next after any such Fines, Issues, Amerciaments, Penalties, Recognizances, or Deodands shall respectively be set, lost, imposed, forfeited, found, or accrue, be made out by the Clerk of Assize, Clerk of the Market, Commissioners of Sewers, and Coroners, or other Person or Persons respectively to whom it doth appertain or belong to make Estreat thereof, with the Names and Residences of the Parties liable to make Payment thereof respectively, and distinguishing such as shall have been paid or received; and Two Copies of such Account when so made out shall be signed by the Person or Persons so required to make out the same, who shall, within the Time last aforesaid, transmit one Copy thereof to the Commissioners of His Majesty's Treasury, and another Copy thereof to the Commissioners for auditing the Public Accounts; and the same Fines, Issues, Amerciaments, Penalties, Recognizances, and Deodands shall also

Account of
Fines by Clerks
of Assize, Com-
missioners of
Sewers,
Clerks of the
Market, and of
Deodands, to be
transmitted to
Treasury and to
Commissioners
of Audit.

within

within the Time last aforesaid be duly certified and estreated by such Officers and Persons respectively in and into the said Court of Exchequer; and all Sum and Sums of Money which shall have been received for or on account of any such Fines, Issues, Amerciaments, Penalties, Forfeitures, Recognizances, or Deodands shall be paid over by the Parties respectively receiving the same unto the Sheriff or Sheriffs of the County, City, or Town wherein the same shall have been set, lost, imposed, forfeited, found, or accrued, to the Intent that such Sheriff or Sheriffs may be charged therewith, and duly account for the same.

Where Fines, &c. are now estreated upon Oath, such Oath may be taken before a Judge, &c.

XXX. Provided always, and be it enacted, That in all Cases where any Fines, Issues, Recognizances, Penalties, Forfeitures, or Deodands are required by any Act or Acts now in force to be estreated, upon Oath, in or into the Court of Exchequer, such Oath shall and may be sworn and taken before a Judge of any of His Majesty's Superior Courts of Record at *Westminster*, or before any Commissioners for taking Affidavits in the same Courts, or before any Master Extraordinary in the High Court of Chancery, or before any of His Majesty's Justices of the Peace; and every such Estreat shall be transmitted to and filed with His Majesty's Remembrancer of the said Court of Exchequer, and received and entered by him without Fee or Reward.

Accounts of Estreats to be transmitted to Treasury and to Commissioners of Audit.

XXXI. And be it further enacted, That His Majesty's Remembrancer do and shall, on or before the first Seal Day next after every Term, make out an Account in Writing of all Fines, Issues, Amerciaments, Penalties, forfeited Recognizances and Deodands, estreated during the preceding Vacation and Term, and also of all Returns within the same Period of Sheriffs to Process issued for the Purpose of levying any estreated Fines, Issues, Amerciaments, Penalties, forfeited Recognizances and Deodands, and shall, within the Time last aforesaid, transmit and send one Copy of such Account to the Commissioners of His Majesty's Treasury, and another Copy thereof to the said Commissioners for auditing the Public Accounts.

Process to be issued every Term, or oftener, to levy Estreats.

XXXII. And be it further enacted, That His Majesty's said Remembrancer shall, on the first Seal Day next after every Term, and also at any other Time or Times when required by the Court of Exchequer, or by the Fiat or Order of any Baron thereof, make out and issue, or cause to be made out and issued, according to the Practice of the Court of Exchequer, and without Fee or Reward, Process for duly levying and enforcing Payment of all such Fines, Issues, Amerciaments, Penalties, forfeited Recognizances, and Deodands estreated as aforesaid (except as herein-after mentioned), which shall not theretofore have been levied, recovered, vacated, or discharged, and so from Time to Time until the same shall be fully paid or levied, vacated or discharged.

Power to Treasury to stay Process, and discharge the Fines, &c.

XXXIII. And be it further enacted, That it shall be lawful for the Lord High Treasurer or the Commissioners of His Majesty's Treasury, and he or they are hereby authorized, by Warrant under his or their Hands directed to the proper Officer or Officers, to stay the issuing or Execution of all or any Process touching any of the Matters set, lost, imposed, forfeited, or estreated as aforesaid, and to vacate and discharge such Fines, Issues, Amerciaments, Penalties, forfeited Recognizances, or Deodands, or any of them, or any Part thereof; provided that nothing in this Clause contained shall extend

to enable the said Lord High Treasurer or the Commissioners of His Majesty's Treasury to remit or restore any Fine, Issue, Amerciaments, Penalty, forfeited Recognizance, or Deodand to which any Body Corporate or Politic, Person or Persons, shall or may be entitled, which shall have been actually levied by or paid to them.

XXXIV. And be it further enacted, That all Bodies Corporate and Politic, and all and every other Person and Persons, having or claiming Title to any Fines, Issues, Amerciaments, Penalties, forfeited Recognizances, Deodands, Sum or Sums of Money contained in any Account transmitted by virtue of this Act to the Commissioners for auditing Public Accounts, shall and may, by themselves, or their, his, or her Bailiff, Steward, or Agent, at all seasonable Times, have access to the said Accounts, and take Minutes or Extracts therefrom.

Power to Persons entitled to any Fines, &c. to inspect Accounts.

XXXV. And be it further enacted, That it shall be lawful for the Lord High Treasurer, or any Three or more of the Commissioners of His Majesty's Treasury, from Time to Time to order and direct Payment, by Warrant under his or their Hand, of the said Fines, Issues, Amerciaments, Penalties, forfeited Recognizances, Deodands, Sum and Sums of Money, or any of them, to any Body Corporate or Politic, Person or Persons, entitled to the same, or to their, his, or her Bailiff, Steward, or Agent: Provided always, that notwithstanding such Payment any Body Politic or Corporate, Person or Persons, aggrieved thereby, shall and may apply by Petition in the Manner herein-after mentioned against the Party or Parties to whom such Payment shall have been made, to restore or refund the Sum or Sums by him or them so received.

The Treasury may order Payment of Fines, &c.

XXXVI. Provided always, and be it further enacted, That in case the Commissioners of His Majesty's Treasury shall neglect, refuse, or decline to order the Payment of any Fines, Issues, Amerciaments, Penalties, forfeited Recognizances, Deodands, Sum or Sums of Money so claimed as aforesaid, or if any Party shall be aggrieved by any Order made by the said Commissioners, it shall be lawful for any such Body or Bodies Corporate or Politic, Person or Persons, to apply, in a summary Way, by Petition to the Lord Chief Baron and the other Barons of His Majesty's Court of Exchequer, setting forth the Nature of the Claim or Title of the Petitioners or Petitioner; and thereupon the said Barons of His Majesty's Court of Exchequer shall and they are hereby authorized to proceed to call the proper Parties before them, and to hear and determine the Matter of the said Petition, and to give such Costs and to make such Order and Orders therein as they shall deem just.

If Treasury reject Claims, the Party may appeal to the Court of Exchequer.

XXXVII. Provided also, and be it further enacted, That nothing herein contained shall extend or be prejudicial to the Rights, Privileges, and Remedies of any Bodies Politic or Corporate, or of any Lord of any Manor, Liberty, or Franchise whatsoever, or of any Person or Persons, claiming Title under or by virtue of any Grant from the Crown, any thing herein contained to the contrary notwithstanding.

Act not to prejudice Rights of Corporate Bodies, &c.

XXXVIII. Provided always, and be it further enacted, That nothing herein contained shall extend to prejudice or affect the Power, Jurisdiction, or Authority of the Lord Chief Baron and the other Barons of His Majesty's Court of Exchequer as to the said Fines,

This Act not to affect Jurisdiction of Court of Exchequer.

Issues,

Issues, Amerciaments, Penalties, forfeited Recognizances, and Es-treats, or any Process or Proceedings thereon.

Act not to
affect Rights of
Counties Pala-
tine or of City
of London.

XXXIX. Provided always, and be it enacted, That nothing herein contained shall extend or be prejudicial to the Rights, Liberties, or Privileges of the King's most Excellent Majesty, His Heirs and Successors, in Right of His Duchy or County Palatine of *Lancaster* or Duchy of *Cornwall*, or the Duke of *Cornwall* when there shall be a Duke of *Cornwall*, or to the Rights, Liberties, or Privileges of the Prince Bishop of *Durham* and the County Palatinate of *Durham*, or to the Rights, Customs, Liberties, Privileges, Charter or Charters of the City of *London*, but that the same Rights and Privileges shall be enjoyed and used as fully to all Intents and Purposes as before the passing of this Act.

Rights of the
City of Chester
saved.

XL. Provided also, and be it further enacted, That nothing herein contained shall extend to or prejudice the Rights, Liberties, and Privileges of the City and County of the City of *Chester*, but that the Sheriffs thereof shall and may account and obtain their Quietus in like Manner as hath heretofore been accustomed.

Lord Treas-
urer's Remem-
brancer and
other Offices in
Exchequer
abolished.

XLI. ' And whereas many of the Duties and much of the Busi-
' ness of the Lord Treasurer's Remembrancer and Clerk of the
' Pipe, and the Offices connected therewith, in His Majesty's Court
' of Exchequer, have been transferred to other Offices, or have ceased,
' or on the passing of this Act will cease; and other Duties have
' become obsolete; and it is expedient that the said Offices and
' other Offices connected therewith should be abolished, and the
' Duties thereof remaining hereafter to be performed be transferred
' to and performed by His Majesty's Remembrancer of the said
' Court;' be it therefore enacted, That from and after the Tenth
Day of *October* next the several Offices in His Majesty's Court of
Exchequer hereafter mentioned; namely, of Lord Treasurer's Re-
membrancer, together with the Filacer, Secondaries, Deputy Re-
membrancer, and Sworn and other Clerks and Bagbearer belonging
thereto; of Clerk of the Pipe, Deputy Clerk of the Pipe, Controller
and Deputy Controller of the Pipe, Secondaries, Attornies, or Sworn
and other Clerks and Bagbearer in the said Office of the Pipe; of
Clerk of the Estreats; of Surveyor of the Green Wax; of the
Foreign Apposer and Deputy Foreign Apposer, and of Clerk of
the Nichills, shall wholly cease and determine.

Compensation
to Officers.

XLII. ' And whereas it may be reasonable and fit that Compensa-
' tion should be made to the Persons now holding the Offices
' herein-before mentioned and hereby abolished, and to the other
' Officers of the said Court whose lawful Fees and Emoluments
' shall be taken away or diminished by this Act, for the Loss thereof;' be it therefore enacted, That it shall be lawful for the Lord High
Treasurer or Commissioners of His Majesty's Treasury for the Time
being, or any Three or more of them, by Warrant under their
Hands, to order and direct that such annual or other Compensa-
tion shall be made to the Persons now holding the Offices hereby
abolished, and to the other Officers of the said Court of Exchequer
whose lawful Fees and Emoluments are diminished by this Act, for
any Loss thereof which they will respectively sustain by reason of
the Provisions of this Act, as to the said Commissioners of the
Treasury in their Discretion shall seem just and reasonable; and
all such Compensations, whether annual or in gross, shall be issued
and

and paid and payable out of and charged and chargeable upon the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*: Provided always, that an Account of all such Compensations shall within Fourteen Days next after the same shall be so granted be laid upon the Table of the House of Commons, if Parliament shall be then assembled, or if Parliament shall not be then assembled, then within Fourteen Days after the Meeting of Parliament then next following.

XLIII. And be it further enacted, That for the better enabling the Commissioners of His Majesty's Treasury to form a correct Judgment of the Nature and Amount of the Compensations which it may be reasonable and proper to make to the said Officers whose Fees may be taken away or diminished as aforesaid, for the Loss thereof, it shall and may be lawful for the Commissioners of His Majesty's Treasury, if they shall see fit, from Time to Time to refer all or any Claims for such Compensation to the Examination and Consideration of the Commissioners appointed or to be appointed under and by virtue of an Act passed in the First Year of His present Majesty's Reign, intituled *An Act for regulating the Receipt and future Appropriation of Fees and Emoluments receivable by Officers of the Superior Courts of Common Law*, and also by virtue of an Act passed in the First and Second Years of the Reign of His present Majesty, intituled *An Act to explain and amend an Act for regulating the Receipt and future Appropriation of Fees and Emoluments receivable by Officers of the Superior Courts of Common Law*; and such last-mentioned Commissioners, in all such Cases so referred to them, are hereby authorized and required to inquire and certify, in the Manner directed by the said last-mentioned Acts, the gross and net annual Value of the lawful Fees and Emoluments of every such Officer or Person whose Claim to Compensation shall be referred to them as aforesaid, so that the Account of such Fees and Emoluments be taken in respect of or for Ten Years, or such other Time as the Case may require, next preceding the First Day of *January* One thousand eight hundred and thirty-three, instead of preceding the *Twenty-fourth* Day of *May* One thousand eight hundred and thirty.

Power to Treasury to refer to the Commissioners for Compensation.

1 W. 4. c. 58.

1 & 2 W. 4. c. 35.

XLIV. And be it enacted, That the Officers and Persons claiming Compensation under and by virtue of this Act shall, for the Purpose of such Inquiry and Certificate as aforesaid, be subject and liable to all such Enactments, Rules, Penalties, Matters, and Things as or to which the Persons claiming Compensation under and by virtue of the said Two last-recited Acts are thereby made subject and liable.

Claimants to be liable to Provisions of 1 W. 4. c. 58. and 1 & 2 W. 4. c. 35.

XLV. And be it further enacted, That the several Records, Books, and other public Documents of and concerning the Duties and Business of the said Offices so abolished as aforesaid shall upon or immediately after the said Tenth Day of *October* be delivered by the several Officers or Persons having Custody of the same into the Hands and Care of the King's Remembrancer of the said Court of Exchequer, to be by him preserved and kept; subject nevertheless to such Rules, Orders, and Regulations as the Lord Chief Baron and the other Barons of the Court of Exchequer, and the Lord High Treasurer, or any Three of the Commissioners of His Majesty's

Records, &c. to be transferred to the King's Remembrancer, subject to Order.

Treasury, shall or may from Time to Time ordain or make touching the same.

Process and
future Proceed-
ings by King's
Remembrancer.

XLVI. And be it further enacted, That from and after the said Tenth Day of *October* all Process and other Proceedings, Charges, Discharges, Estreats, Matters, and Things usually issued, done, had, received, filed, recorded, or taken by the Officers whose Offices are hereby abolished, or any of them, which shall from thenceforth be by Law required or needful to be issued, done, had, received, filed, recorded, or taken, shall and may be issued, done, had, received, filed, recorded, and taken by His Majesty's Remembrancer of the said Court of Exchequer, or by the Officers in his Office by and under his Direction, according to the Course and Practice thereof, as fully and effectually to all Intents, Constructions, and Purposes as the same might or could have been issued, done, had, or taken by the said Officers whose Offices are hereby abolished before the passing of this Act; subject nevertheless to all such Rules, Orders, and Regulations as shall or may be made from Time to Time for regulating or discontinuing the same by the Lord Chief Baron and the other Barons of His Majesty's Court of Exchequer, and which they are hereby authorized to make and ordain accordingly: Provided always, that the Accounts of His Majesty's Revenue of Excise shall be enrolled once only by or in the said Office of His Majesty's Remembrancer.

Searches may be
made and Copies
taken, which
shall be as
available as
heretofore.

XLVII. And be it further enacted, That Searches may be made, and Copies or Extracts of and from the said Records, Books, and Documents shall and may be had and taken, at such Times and in such Manner and upon Payment of such Fees as the Lord Chief Baron and the other Barons of the said Court of Exchequer, together with the Lord High Treasurer or the Commissioners of His Majesty's Treasury, shall or may direct; and all such Copies or Extracts signed and authenticated by His Majesty's Remembrancer, or such other Person or Persons as shall or may be appointed by him for that Purpose, shall be as available in Evidence, and as valid and effectual, to all Intents and Purposes, as the same would by Law have been if the same had been signed, authenticated, and given before the passing of this Act by the Officers whose Offices are hereby abolished, or any of them.

SCHEDULE to which this Act refers.

At the Court at the Day of present,
the King's most Excellent Majesty in Council.
To *A. B.* of *et cetera*.

WHEREAS His Majesty was this Day pleased, by and with the Advice of His Privy Council, to nominate and appoint you for and to be Sheriff of the County of during His Majesty Pleasure: These are therefore to require you to take the Custody and Charge of the said County, and duly to perform the Duties of Sheriff thereof during His Majesty's Pleasure; and whereof you are duly to answer according to Law.

Dated this Day of

By His Majesty's Command,
C.D.

CAP. C.

An Act for the Relief of the Owners of Tithes in *Ireland*, and for the Amendment of an Act passed in the last Session of Parliament, intituled *An Act to amend Three Acts passed respectively in the Fourth, Fifth, and in the Seventh and Eighth Years of the Reign of His late Majesty King George the Fourth, providing for the establishing of Compositions for Tithes in Ireland, and to make such Compositions permanent.* see 142 VC 109
v. 2 - 243 VC 3
114

[29th August 1833.]

‘ WHEREAS it is expedient to make Provision for the Purpose of removing the Necessity for the Collection of Tithes and Compositions for Tithes in *Ireland* in this present Year, and for the Recovery of the Arrears of Tithes for the Years One thousand eight hundred and thirty-one and One thousand eight hundred and thirty-two; and to make an Advance of Money in lieu of Tithes and Arrears of Tithes and Compositions for Tithes for such Years to such of the Persons entitled thereunto as may be desirous of obtaining Relief under this Act, and to make Provision for the Repayment of such Advances by Instalments in the next Five Years:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for the Commissioners of the Treasury for the Time being from Time to Time, by Warrant under their Hands, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of His Majesty’s Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole the Sum of One million Pounds; and such Exchequer Bills shall be made out in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, except where other Directions for making out the same are particularly expressed in this Act, as are directed and prescribed in and by an Act passed in the Forty-eighth Year of the Reign of His Majesty King George the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills.*

Treasury authorized to direct Exchequer Bills to be made out to the Amount of One Million.

243 VC 97-117

48 G. 3. c. 1.

II. And be it further enacted, That, save as aforesaid, all and every the Clauses, Provisoes, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said recited Act of the Forty-eighth Year of the Reign of His Majesty King George the Third shall be applied and extend to the Exchequer Bills to be made in pursuance of this Act as fully and effectually to all Intents and Purposes as if the said several Clauses or Provisoes had been particularly repeated and re-enacted in the Body of this Act.

Provisions of 48 G. 3. c. 1. to extend to this Act.

III. And be it enacted, That the said Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Three-pence Halfpenny *per Centum per Diem* upon or in respect of the whole of the Monies respectively contained therein; and the Principal Sum contained in such Exchequer Bills, and the Interest accruing due thereon, shall be made payable at such Periods and at such Places as shall be fixed by the said

Exchequer Bills to bear Interest, and be made at what Dates.

said Commissioners of His Majesty's Treasury ; nevertheless so as that all such Bills as shall be made out in pursuance of this Act shall be made payable within Five Years from the Date thereof; and that the Principal Sum contained in every such Bill, and such Interest as may be due thereon, shall be paid off and discharged, either together or separately, upon the Days and Times respectively appointed for the Payment thereof.

Exchequer Bills
to be current
with Collectors
of Excise when
due.

IV. Provided always, and be it further enacted, That all and every the Exchequer Bills to be made out by virtue of this Act, or so many of them as shall from Time to Time remain undischarged and uncanceled after the respective Days on which they shall become due and payable, shall and may after that Time pass and be current to all and every the Receivers and Collectors, in *Great Britain* and *Ireland*, of the Customs, Excise, or any Revenue, Supply, Aid, or Tax whatsoever due or payable to His Majesty, His Heirs or Successors, and also at the Receipt of the Exchequer in *Great Britain*, and at the Bank of *Ireland*, to the Credit and Account of the Teller of His Majesty's Exchequer in *Ireland*, from the said Receivers or Collectors; but no such Receiver or Collector shall exchange, at any Time before the said Day of Payment thereof, for any Money of such Revenues, Aid, Taxes, or Supplies in his Hands, any Exchequer Bill which shall have been issued as aforesaid by virtue of this Act, nor shall any Action be maintained against such Receiver or Collector for neglecting or refusing to exchange any such Exchequer Bill for ready Money before the said Day of Payment thereof, any thing in this Act contained to the contrary in anywise notwithstanding; and that such of the same Bills as shall be received at the said Receipt of the Exchequer in *Great Britain*, and at the said Bank of *Ireland*, to the Credit and Account of the said Teller of His Majesty's Exchequer there, shall and may be locked up and secured as Cash, according to the Course of the said Exchequers of *Great Britain* and *Ireland* respectively settled and established by Law for locking up and securing Monies received in Specie at the said Exchequer of *Great Britain* or Bank of *Ireland*, to the Credit and Account of the Teller of the said Exchequer of *Ireland* respectively.

Exchequer Bills
to be issued
agreeably to
Certificates of
Commissioners
of the Treasury.

V. And be it enacted, That when and so often as any Advances may become payable under the Provisions herein-after contained it shall and may be lawful for the Lord Lieutenant of *Ireland* to certify to the Commissioners of the Treasury the Amount of the Exchequer Bills required, as Occasion shall arise for such Advances, and thereupon the said Lords Commissioners of the Treasury shall certify to the Auditor of the Receipt of His Majesty's Exchequer at *Westminster* for the Time being the Amount of Exchequer Bills so required; and such Auditor shall, on such Certificate of the Commissioners of the Treasury being deposited in his Office, cause and direct such Exchequer Bill or Bills to such Amount and payable at such Periods and bearing such Rate of Interest as may be expressed in the said Certificate of the Commissioners of the Treasury, to be delivered to the Teller of His Majesty's Exchequer of *Ireland*, or to such Person as shall be by such Teller duly authorized on his Behalf to receive the same, and such Bill or Bills shall be by such Teller issued and delivered, upon the Warrant in Writing of the said Lord Lieutenant, to the Person or Persons in

such Warrant named; and every such Exchequer Bill shall bear Date on the Day on which the said Lords Commissioners of the Treasury shall appoint and direct, and shall and may be signed by the Auditor of the Receipt of His Majesty's Exchequer at *Westminster*, or in his Name by any Person duly authorized so to do.

VI. And be it enacted, That it shall and may be lawful for the Governor and Company of the Bank of *England*, or the Governor and Company of the Bank of *Ireland*, or for the Directors and Company of the Provincial Bank of *Ireland*, respectively to advance or lend to His Majesty, at the respective Receipts of the Exchequers of *Great Britain* or *Ireland*, upon the Credit of the Exchequer Bills issued under this Act, any Sum or Sums of Money not exceeding in the whole the Sum of One million Pounds, any thing in an Act made in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors, for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying the War against France*, or in any other Act or Acts to the contrary thereof in anywise notwithstanding.

Banks of England or Ireland, or Provincial Bank, may advance Money on Exchequer Bills.

s & 6 W. & M. c. 20.

VII. And be it enacted, That it shall and may be lawful for any Person entitled to any Tithes arising out of Lands in *Ireland* for the Years One thousand eight hundred and thirty-one or One thousand eight hundred and thirty-two, or for this present Year One thousand eight hundred and thirty-three, to make Application, at any Time within Three Calendar Months after the passing of this Act, to the said Lord Lieutenant, praying Relief under this Act in respect of such Tithes; and such Application shall be made by a Memorial, showing the Tithes in respect whereof such Relief may be sought, and the Right and Interest of such Person in and to the same, and the Amount or Value thereof, computed as hereinafter mentioned; and to each such Memorial shall be annexed a Schedule, specifying the several Lands out of which and the Year in which such Tithes may have so arisen or arise, and the Amount or Value arising out of each Holding respectively, and the Names and Descriptions of the several Persons chargeable with each Item thereof in each Year, and what, if any, Portion thereof has been paid or satisfied, and the Sums remaining due by each of such Persons respectively; and if the Value of the Tithes arising out of such Lands shall not have been ascertained by Composition, Agreement, or otherwise, then and in such Case the Value thereof shall in every such Memorial be estimated and calculated on the Average of the Sums annually paid or agreed or adjudged to be paid on account of the Tithes of the same Lands during and for the Years One thousand eight hundred and twenty-eight, One thousand eight hundred and twenty-nine, and One thousand eight hundred and thirty; and such Memorial and Schedule shall distinguish accordingly the Tithes payable under and by virtue of any Composition or Agreement, and those not so payable; and the several Matters set forth and alleged in each such Memorial and Schedule shall be verified upon Oath by the Memorialist, such Oath to be administered by any Justice of the Peace for the County in which such Memorialist usually resides;

Any Person entitled to any Tithes for 1831, 1832, or 1833, may apply to Lord Lieutenant for Relief under this Act by Memorial.

What Memorial and Schedule shall contain.

If Value of Tithes shall not be ascertained by Composition, such Tithes to be estimated on Average of Sums paid during 1828, 1829, and 1830.

and with every such Memorial and Schedule a Duplicate thereof shall be transmitted to the said Lord Lieutenant by the Memorialist: Provided always, that if it shall be made to appear by the Oath of such Memorialist that Evidence of the Sums paid or agreed or adjudged to be paid as aforesaid cannot be had by reference to any Books of Accounts, Papers, or Documents in the Power or Possession of such Memorialist, or of his Agents, Bailiffs, or Proctors, or by any Adjudications which may have been made in respect of such Tithes for and during the Years aforesaid, then and in such Case it shall be lawful for such Memorialist to estimate and calculate the Value thereof according to the best Information he can obtain, and to verify the same to the best of his Belief and Information as aforesaid.

No Tithes for 1831 and 1832 to be included in Memorial not due by Persons interested in or in occupation of Lands out of which same may have arisen.

2&3W.4.c.119.

No Proceedings for Recovery of Tithes shall be taken under 2 W. 4. c. 41., and Proceedings already taken shall be stayed.

Tithes of 1831 may be included in Memorial, although Relief obtained under recited Act.

In such Case Sums advanced to be stated.

Lord Lieutenant may declare Person

VIII. Provided always, and be it enacted, That no Tithes for the Years One thousand eight hundred and thirty-one or One thousand eight hundred and thirty-two shall be included in any such Memorial or Schedule which may be due and owing from or by Persons who do not at the Time of presenting such Memorial continue interested in or in occupation of the Lands out of which such Tithes may have arisen; nor shall any Composition for Tithes be included in such Memorial and Schedule the Payment of which Composition may have been agreed for and undertaken by any Person entitled to enter into such Agreement and Undertaking under and pursuant to the Provisions of an Act passed in the last Session of Parliament, intituled *An Act to amend Three Acts passed respectively in the Fourth, Fifth, and in the Seventh and Eighth Years of the Reign of His late Majesty King George the Fourth, providing for the establishing of Compositions for Tithes in Ireland; and to make such Compositions permanent.*

IX. And be it further enacted, That from and after the passing of this Act it shall not be lawful to take any such Proceedings for the Recovery of any Tithes or Arrears of Tithes which may have become vested in His Majesty, His Heirs and Successors, under and by virtue of an Act passed in the Second Year of the Reign of His present Majesty, intituled *An Act to facilitate the Recovery of Tithes in certain Cases in Ireland, and for Relief of the Clergy of the Established Church*, as by such Act directed; and every Court wherein any such Proceedings may have been taken shall forthwith stay such Proceedings, and in case any Writ or Process of Execution shall have issued, set aside the same, and discharge the Defendant if taken thereunder; and any Ecclesiastical Person who may be desirous of Relief under this Act, in respect of any Tithes for the Year One thousand eight hundred and thirty-one, shall and may include in such Memorial and Schedule as herein-before mentioned the Tithes to which such Ecclesiastical Person may have been entitled for the said Year One thousand eight hundred and thirty-one, although he may have received Relief under the said recited Act, any thing in the said recited Act divesting such Ecclesiastical Person of the Right to such Tithes to the contrary notwithstanding: Provided always, that in such Case any Ecclesiastical Person desirous of Relief under this Act shall state in his Memorial the Sums advanced to him under Authority of the said recited Act.

X. And be it enacted, That upon every such Application, and due Consideration of the several Matters stated in each such Memorial

memorial and Schedule, it shall and may be lawful for the said Lord Lieutenant of *Ireland*, by and with the Advice and Consent of His Majesty's Privy Council there, to declare the Person making such Application as aforesaid entitled to Relief under this Act, and upon such Declaration the Right, Title, and Interest of such Person in and to all Tithes due and unpaid for the Years One thousand eight hundred and thirty-one, One thousand eight hundred and thirty-two, and One thousand eight hundred and thirty-three, save and except the Tithes and Compositions herein-before directed not to be included in his said Memorial and Schedule, and also his Right, Title, and Interest in and to all Tithes remaining due and unpaid for any Year previous to the Year One thousand eight hundred and thirty-one, shall wholly cease and determine.

making Application entitled to Relief, and thereupon his Right to Tithes in his Memorial, and all Arrears previous to 1831, shall cease.

XI. Provided, and be it enacted, That the Declaration of such Lord Lieutenant and Council on the Right of any Memorialist under this Act shall be deemed and taken only to decide the Right of such Memorialist to Relief under this Act; but that the Determination of any Tribunal or Court of Justice upon the Right of Property in the Tithes included in such Memorial and Schedule shall not prejudice the Recovery by His Majesty of any Advances made under this Act, or any Instalment thereof, in manner herein-after provided, of and from the Person who shall be entitled to the Receipt of the Composition for such Tithes.

Declaration only to decide Right to Relief.

No subsequent Decision to prejudice Right of Crown to Recovery of Advances.

XII. And be it further enacted, That the said Lord Lieutenant and Council shall cause a Notice of every Application which shall be made to them under this Act, and upon which they shall declare the Applicant entitled to Relief, to be inserted in the *Dublin Gazette*, and in some Newspaper commonly circulated in the Neighbourhood of the Parish to the Tithes whereof such Application shall relate, and also to be posted on the usual Places for posting Notices of Applications for Grand Jury Presentments in such Parish; and every such Notice shall mention some convenient Dwelling House in or near to such Parish where a true Copy of every such Memorial and Schedule shall be deposited and remain for and during Twenty-one Days (*Sunday* not included in such Computation) next ensuing the Date of such Notice, and between the Hours of Ten in the Morning and Four in the Afternoon of each Day, open to public Inspection; and the said Lord Lieutenant and Council shall cause a Copy of every such Memorial and Schedule to be so deposited for public Inspection accordingly, and it shall and may be lawful for any Person to make any Extract therefrom without Fee or Reward; and the Publication in the *Dublin Gazette* of any such Notice as aforesaid shall be sufficient Evidence of the Application mentioned therein, and of the Party making the same having been declared by the said Lord Lieutenant and Council to be entitled to Relief under this Act.

Lord Lieutenant shall cause Notice of Application to be inserted in *Dublin Gazette*, &c. and to be posted in Parish.

Notice shall declare where Copy of Memorial deposited for public Inspection.

Such Publication to be Evidence of Party being entitled to Relief.

A Special Sessions shall be held for revising Memorials and Schedules, of which Notice shall be given.

XIII. And be it further enacted, That Special Sessions for the Purpose of revising all Memorials and Schedules relating to the Tithes arising out of Lands situate in each County shall be held in each such County by and before the Assistant Barrister or Chairman of the Sessions of such or any adjoining County, or a Deputy to be appointed in manner herein-after provided; and such Special Sessions shall be held at such Times and Places, and observe such Order in the Revision of all such Memorials and Schedules, as the

said Lord Lieutenant shall direct; and the Clerk of the Peace in and for each such County, or his Deputy, shall, Twenty-one Days at least before the first Day appointed for the holding of such Special Sessions, cause to be posted in conspicuous Places within each County Notices that such Session will be holden for the Revision of such Memorials and Schedules on the Days and at the Places appointed for that Purpose, and shall specify the Memorials and Schedules to be revised pursuant to such Direction of the said Lord Lieutenant at each such Time and Place appointed for the holding of such Special Sessions, and shall require the Parties desirous of making Objections to any Charge or Item in any such Memorial and Schedule to enter the same with such Clerk of the Peace on or before the first Day of the meeting of the Special Sessions appointed for the Revision of the Memorial and Schedule to which such Objections may relate; and in the Case of Memorials relating to Tithes which arise out of Lands situate in different Counties, such Lord Lieutenant shall and may refer the same for Revision to the Special Sessions holden in any of such Counties; and such Lands shall for the Purposes of this Act be deemed and taken to be all situate in such County.

Persons intending to object to Schedule shall give Notice to Memorialist, his Agent, or the High Constable, who shall transmit same to Clerk of Peace.

XIV. And be it enacted, That every Person who may think himself aggrieved by any Charge made or Credit omitted in any such Schedule shall Six clear Days before the Day appointed for the Revision of each such Memorial and Schedule as aforesaid give to the Memorialist, or his known Agent, Bailiff, or Tithe Proctor, or leave at the Dwelling House of such Memorialist, or of his said Agent, Bailiff, or Tithe Proctor, or in case the said Memorialist or his Agent shall not reside in the Parish, then to the High Constable of the Barony, a Notice in Writing of his Intention to object to such Charge, or to claim such Credit; and such High Constable shall without Delay transmit all Notices so given to him to the Clerk of the Peace, who shall enter the same, and deliver, upon Demand, a List thereof to the Memorialist concerned therein, who shall pay for such List a Fee of Five Shillings and no more.

Clerk of Peace shall attend such Sessions, and enter Objections to Memorials and Schedules.

XV. And be it enacted, That the Clerk of the Peace for each such County respectively, or his Deputy, shall attend at each such Special Sessions, and shall in a Book to be by him for that Purpose provided, and which Book shall be a Record of the County, enter all such Objections to any such Memorial and Schedule as he shall be thereunto required; and the Lord Lieutenant shall cause the Original of every such Memorial and Schedule to be transmitted to the said Clerk of the Peace for the County in which such Memorial and Schedule is to be revised.

Assistant Barrister at such Special Sessions shall hear and decide upon all Objections to such Memorials and Schedules as upon Causes by Civil Bill;

XVI. And be it enacted, That the Barrister presiding at each such Special Sessions shall hear and decide upon all such Objections to any Charge or Item in each Memorial and Schedule as shall be entered with the Clerk of the Peace in manner aforesaid, in the Order in which the same may have been so entered, and shall have all such Powers of administering Oaths to Witnesses and Parties, and compelling the Attendance of such Witnesses and Parties, and for punishing Persons giving false Testimony, and for trying any controverted Fact by a Jury, and in all respects have and exercise such Jurisdictions and Powers concerning the Revision of such Memorials and Schedules, and the Determination of all Objections

jections thereto, as any Assistant Barrister is empowered to exercise in respect of any Cause or Proceeding by Civil Bill before such Assistant Barrister: Provided always, that in case of any Objection to any Charge or the Amount of any Charge contained in any such Memorial and Schedule, the Memorialist shall be required to give Evidence in support of the same, in like Manner as the Plaintiff or Suitor in any such Cause or Proceeding by Civil Bill; and in case of Credit being claimed for the Render or Payment of any Tithe or Sum on account thereof, omitted in any such Memorial and Schedule, the Person claiming such Credit shall be entitled and required to establish the same according to the Course and Practice of Proceedings by Civil Bill before any Assistant Barrister: Provided always, that no Objection entered as aforesaid with the Clerk of the Peace shall be heard, unless the Person making the same shall, if so required by such Barrister, prove to the Satisfaction of such Barrister that Notice of such Objection shall have been given in manner herein-before appointed; and every such Objection shall be dealt with as if the same were a Cause or Proceeding by Civil Bill, in so far as may be consistent with this Act; and the Decision of such Barrister presiding at such Special Sessions on each such Objection shall be deemed and taken to be a Decree or Dismiss, as the Case may be; save that no Process shall issue to enforce the same, and that no Appeal shall lie therefrom; and for the entering of every such Objection, and the signing of every such Decision, and for returning any Jury and entering any Verdict, or attending any Hearing or drawing up any Decision, the like Fees shall be payable, and no more, as are by Law payable on the entering of any Cause, or signing any Decree or Dismiss, or returning any Jury or entering any Verdict, or attending any Hearing or drawing up any Decree or Dismiss, in any such Proceeding by Civil Bill before any Assistant Barrister; and every Sheriff, Clerk of the Peace, or other Officer shall give Attendance and do all such Matters and Things at such Special Sessions as he may be bound to do at any Sessions held before the Assistant Barrister of any County for the hearing and determining Causes by Civil Bill.

save that no
Process shall
issue, nor
Appeal lie
therefrom.
Fees.

XVII. And be it enacted, That the said Assistant Barrister or Chairman shall award such Costs upon the hearing of every such Objection, to be paid by or to the Memorialist or Party making such Objection, as any Assistant Barrister may have Power and Authority to award on any Proceeding by Civil Bill, to be paid by or to the Plaintiff or Defendant therein; and such Costs shall be in like Manner taxed; and for the Recovery and levying of any such Costs Execution shall and may issue, as in any such Proceedings by Civil Bill, against the Body or Goods of the Party against whom such Award shall be made.

Assistant Bar-
rister may
award Costs.

XVIII. And be it enacted, That the Assistant Barrister or Chairman presiding at each such Special Sessions, having heard and decided upon all such Objections as may be made to each such Memorial and Schedule, shall amend the same accordingly, and transmit such Memorial and Schedule, so amended, with his Signature thereunto attached, to the said Lord Lieutenant, who shall thereupon authorize and direct such Sum to be advanced to the said Memorialist as shall appear by his said Memorial and Schedule, so amended and attested, to be due and owing to him on account of the

Assistant Bar-
rister shall
amend the
Memorial and
Schedule, and
transmit same
to Lord Lieu-
tenant, who
shall thereupon
direct Sum
appearing due
therein to be
advanced to

Memorialist,
deducting
certain Per-cent-
tages.

the Tithes included in such Memorial and Schedule, deducting thereout Twenty-five Pounds *per Centum* on the Amount of such of the said Tithes as shall so appear due and owing for the Years One thousand eight hundred and thirty-one and One thousand eight hundred and thirty-two, or either of them, and Fifteen Pounds *per Centum* on the Amount of such of the said Tithes as shall appear due and owing for the Year One thousand eight hundred and thirty-three, and also deducting, in the Case of every Ecclesiastical Person who may have received Relief under the said recited Act of the Second Year of His present Majesty's Reign, any Monies which may have been advanced to him under Authority of that Act.

Original Me-
morial, with a
Certificate of
Advances, to be
recorded in the
Exchequer, and
such Advances
repaid by Five
Instalments in
the next Five
Years.

XIX. And be it enacted, That the said Lord Lieutenant shall cause every such original Memorial and Schedule so amended, together with a Certificate under his Hand of the Amount of the Advances made to the Memorialist, to be lodged with the proper Officer in the Office of the Remembrancer of the Court of Exchequer in *Ireland*, there to remain of Record; and that the Amount stated in each such Certificate to have been so advanced shall be repaid by Five equal Instalments, the first thereof to be made on the First Day of *November* which will be in the Year One thousand eight hundred and thirty-four, and One of the Four remaining Instalments to be paid on each First Day of *November* in the next succeeding Four Years; and such Instalments shall be payable by the Person who shall from Time to Time be entitled to the Receipt of the Composition for Tithes to which or to any Arrears whereof the Memorialist in respect of whose Right such Advance may have been made shall be or may have been entitled, or which shall be or have been established in lieu of the Tithes to which or to any Arrears whereof such Memorialist shall be or have been entitled; and each such Instalment shall be paid to the Collector of Excise of the District, or otherwise, as the Commissioners of the Treasury shall direct; and in default of Payment of any such Instalment on the Day when the same shall fall due, or within Three Months thereafter, such Instalment shall be recoverable as a Debt upon Record due, by the Person at such Time entitled to the Receipt of such Composition as aforesaid, to the King's Majesty, His Heirs and Successors, with all Costs and Charges attending the same; provided that no Process shall issue against the Body of any Person owing such Instalment, and provided that no Landlord who may have agreed and undertaken to pay any such Composition shall be deemed to be, within the Meaning of this Act, the Person entitled to the Receipt of such Composition, any thing in the said recited Act of the last Session of Parliament entitling such Landlord to recover such Composition over against any Person whatsoever to the contrary notwithstanding.

Monies repaid,
how to be
applied.

XX. And be it further enacted, That the Monies from Time to Time paid or recovered in manner aforesaid shall be transmitted, in such Manner as the Commissioners of the Treasury shall direct, to the Credit and Account of the Teller of the Receipt of His Majesty's Exchequer in *Ireland*, distinctly and apart from all other Monies; and that it shall be lawful for the said Commissioners of the Treasury, by Warrant under their Hands, to order and direct that all or any Part of the Sum or Sums of Money from Time to Time

Time arising or accruing to the Credit of the Account of the said Teller of His Majesty's Exchequer in *Ireland*, under the Provisions herein made, shall be issued to such Person or Persons in such Warrant named, for the Purpose of being remitted and transferred to the Receipt of His Majesty's Exchequer at *Westminster*; and that there shall be provided and kept in the Office of the Auditor of the Receipt of the said Exchequer at *Westminster* a Book or Books in which all the Monies paid to the Credit and Account of the said Teller by virtue of this Act, and remitted and transferred as aforesaid, shall be entered separate and apart from all other Monies paid into the said Receipt upon any other Account whatever; and that all the Monies so paid to the Credit and Account of the said Teller by virtue of this Act, and remitted and transferred as aforesaid, shall be subject and liable to the Uses and Purposes herein-after mentioned; (that is to say,) in the first place, for paying off and discharging all the Exchequer Bills to be made out and issued by virtue of this Act, with such Interest as shall be payable thereon, at the respective Days and Times and in the Order and Course in which the same may be directed to be discharged; and all such Exchequer Bills, and Interest thereon, as aforesaid, shall be and are hereby charged and chargeable upon and shall be repaid and borne by and out of the first Monies that shall so arise in and to the Credit and Account of the said Teller of the Receipt of His Majesty's Exchequer in *Ireland* accordingly; and the Surplus of such Monies, if any, shall be carried to and make Part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*.

XXI. And be it further enacted. That on the several Days and Times on which any Exchequer Bills made pursuant to the Directions of this Act shall become payable, or within Ten Days thereafter, the said Commissioners of the Treasury shall cause a true and right Account to be taken and attested by the proper Officers of all such Exchequer Bills falling due and payable on such respective Days and Times, and of the Monies which shall then be in the Receipt of the Exchequer at *Westminster* applicable to the Payment and Discharge of the same; and if the Money which shall have arisen in the said Exchequer from or on account of the Payments, Remittances, and Transfers to be made, by virtue of the Provisions herein-before contained, by the Teller of His Majesty's Exchequer in *Ireland*, shall not be sufficient to discharge the Principal and Interest due and payable as aforesaid, then such Deficiency shall and may be supplied and made good by and out of the Aids or Supplies which shall be or have been granted for the Service of the Year in which such Exchequer Bills shall become payable; and in case the Monies arising from such Aids or Supplies shall not at the Time be sufficient for that Purpose, then all the said Exchequer Bills remaining undischarged, with the Interest and Charges incident to or attending the same, shall be and are hereby charged and chargeable upon such Monies as at any Time or Times after any such Deficiencies shall happen shall be or remain in the Receipt of the said Exchequer of the said Consolidated Fund, except such Monies of the said Consolidated Fund as may be or have been appropriated to any particular Use or Uses by any Act or Acts of Parliament in that Behalf; and such Monies of the said Consolidated Fund shall and may be issued and applied from Time to Time,

Treasury to cause Accounts to be taken of all Bills falling due and Money applicable thereto at the Time; and in case of Deficiency in the Exchequer for Payment thereof, the same to be supplied out of the Aids for the current Year, or the Consolidated Fund.

Monies so advanced out of Consolidated Fund to be replaced by other Monies.

A Duplicate of amended Memorial and Schedule to be referred to some proper Person, who shall ascertain the Sums in arrears, subject to the Deduction of certain Per centages.

Commissioner to make a Return of Sums to be added to Composition, specifying Particulars, to be attached to Duplicate of Memorial and Schedule, and lodged with Clerk of Peace.

Time, as soon as the same can be regularly stated and ascertained, for and towards paying off, cancelling, and discharging such remaining Exchequer Bills, Interest, and Charges, until the whole of them shall be paid off, cancelled, and discharged, or Money sufficient for that Purpose be kept and reserved in the Exchequer, to be payable, on Demand, to the respective Proprietors thereof: Provided always, that whatever Monies shall be so issued out of the Consolidated Fund shall from Time to Time be replaced by and out of the first Supplies to be thereafter granted in Parliament, any thing therein contained to the contrary notwithstanding; and that whatever Monies shall thereafter arise in the said Receipt of the Exchequer, from or on account of the Payments, Remittances, and Transfers to be made, by virtue of the Provisions herein-before contained, by the Teller of His Majesty's Exchequer in *Ireland*, shall be applied towards replacing the Monies before issued out of the said Aids or Supplies or Consolidated Fund, as the Case may be, any thing herein contained to the contrary notwithstanding.

XXII. And be it enacted, That the said Lord Lieutenant shall cause a Duplicate of every such Memorial and Schedule so amended as aforesaid, together with an Account of the several Sums, if any, recovered by His Majesty, under the Provisions of the said recited Act of the Second Year of His Majesty's Reign, in respect of the Tithes included in such Memorial and Schedule, and of the Names of the Persons from whom such Sums may have been so recovered, such Memorial, Schedule, and Account being attested by the Signature of the Chief or Under Secretary of such Lord Lieutenant, to be referred to some proper and discreet Person to be by him for that Purpose selected, and who shall be remunerated in such Manner as the said Lord Lieutenant shall think proper; and such Person shall ascertain, by Inspection of such Memorial and Schedule so amended, and of such Account, the Amount of the Sums remaining due and owing on account of Tithes or any Composition for Tithes from and out of the several Lands liable thereto, which Amount, subject to a Deduction of Twenty-five Pounds *per Centum* on so much thereof as shall have accrued due for the Years One thousand eight hundred and thirty-one or One thousand eight hundred and thirty-two, and Fifteen Pounds *per Centum* on so much thereof as shall have accrued due for the Year One thousand eight hundred and thirty-three, shall be the Sum to be added to the Composition for Tithes payable out of each of such Lands respectively in manner herein-after mentioned.

XXIII. And be it enacted, That the Person to whom every such Memorial and Schedule shall have been referred as aforesaid shall make out a Return of the several Sums, ascertained in manner herein-before directed, to be added to the Composition for Tithes payable out of each of such Lands respectively, specifying and particularizing such several Lands, and the Amount payable out of each Holding respectively; and such Return shall be attached to the Duplicate of the Memorial and Schedule and Account referred to such Person, and, together therewith, lodged by him, duly attested under his Hand, with the Clerk of the Peace of the County in which such Lands shall be situate, or if such Lands shall be situate in Two or more Counties, then with the Clerk of the Peace of either or any of such Counties; and a certified Copy of or Extract from

from such Memorial and Schedule, or Return attached thereto, shall be sufficient Evidence to all Intents and Purposes of the several Matters and Things therein set forth.

XXIV. And be it enacted, That One Fifth of the several Sums appearing by such Return chargeable on such Lands respectively shall be payable thereout, in addition to and together with the Composition for Tithes arising thereout, on the First Day of *November* which will be in the Year One thousand eight hundred and thirty-four, and One of the remaining Four Fifths shall in like Manner be payable on the First Day of *November* in each of the succeeding Four Years; and such Addition to the said Composition shall be payable by the Person from Time to Time liable to the Payment of such Composition to the Memorialist or Person from Time to Time entitled to the Receipt of such Composition; and Payment of such Addition to such Composition shall and may be recovered and levied by all such Ways and Means as by Law provided for the Recovery of such Composition, and as if it were Part thereof; provided that any Landlord who may have agreed for and undertaken the Payment of any Composition shall be deemed to be, within the Meaning of this Act, the Person liable to the Payment thereof.

Terms of Payment of the Sums chargeable on such Lands and of the Composition arising thereout.

XXV. And be it enacted, That whenever the Person appearing by any such amended Memorial and Schedule and Account, so deposited with the Clerk of the Peace as aforesaid, to have owed, at the Time of presenting such Memorial, any Sum for or on account of the Tithes included in such Memorial and Schedule, shall occupy the Land in respect whereof such Tithe ought to have been paid, then and in such Case any Landlord liable to and paying the Sum hereby added to the Composition for Tithes payable in respect of such Land shall be entitled, on each Occasion of paying such additional Sum, to add One Fifth of the Sum appearing by such amended Memorial and Schedule and Account to have been due, at the Time of presenting such Memorial, for Tithes by such Tenant, to the Rent payable by such Tenant, and shall and may enforce Payment thereof by all such Ways and Means as by Law provided for the Recovery of Rent: Provided always, that where any superior Landlord shall be liable to the Payment of such Composition, he shall be entitled, upon each such Occasion as aforesaid, to recover, by all such Ways and Means aforesaid, such Fifth of the Arrears of Tithe appearing due by such Schedule and Account as aforesaid from his next immediate Tenant, and such next immediate Tenant shall be entitled, in like Manner and by like Means, to recover the same from the Tenant deriving next under him, and so on successively to the immediate Landlord of such occupying Tenant, who shall be entitled to recover, in like Manner and by like Means, the same of and from such occupying Tenant by whom such Arrears of Tithe may have been incurred.

When the Person owing a Sum for Tithes shall occupy the Land, the Landlord, on paying same, may add such Sum to the Rent, and enforce Payment thereof as such.

Remedy when superior Landlord, &c. is liable to Payment of Composition.

XXVI. ' And whereas the Sum to be added to the Composition for Tithes payable out of the several Land liable thereto is hereinbefore directed to be computed by reference to the Amount of the Sums appearing by every such Memorial and Schedule as aforesaid to remain due and owing for Tithes from and out of such Lands respectively, subject to the Deduction of certain Percentages herein-before mentioned, and such Deduction is intended

Persons liable to Payment of Addition to Composition to be subject to certain Percentages on the Fifth of Arrears of Tithe due by them for certain Years.

' as

‘ as a Bonus to the Persons liable to the Payment of such Compositions, but in some Cases such Persons may be the same Persons by whom such Arrears of Tithes may have been incurred, and it is not just that any Bonus should be afforded to such Persons;’ be it therefore enacted, That whenever the Person liable to the Payment of the Addition to any Composition payable therewith by the Provisions of this Act shall appear by any such amended Memorial and Schedule and Account as aforesaid to owe any Sum for or on account of any Tithes included therein, such Person shall, over and above such Composition and the Addition payable therewith, be bound to pay on each Occasion of paying such Addition such Sum as shall be equal to Twenty-five Pounds *per Centum* on the Fifth of the Arrears of Tithe due by such Person for the Years One thousand eight hundred and thirty-one and One thousand eight hundred and thirty-two, and Fifteen *per Cent.* on the Fifth of the Arrears of Tithe due by him for the Year One thousand eight hundred and thirty-three; and such Sum, calculated as aforesaid, shall be deemed and taken to be Part of such Compensation, and recoverable as well as the said Addition therewith.

2&3W.4.c.119.

XXVII. ‘ And whereas an Act was passed in the last Session of Parliament, intituled ‘ *An Act to amend Three Acts, passed respectively in the Fourth, Fifth, and in the Seventh and Eighth Years of the Reign of His late Majesty King George the Fourth, providing for the Establishment of Compositions for Tithes in Ireland, and to make such Compositions permanent*, whereby it was among other things enacted, that it should be lawful for any Person having in possession any Estate or Interest in Land charged or which may become chargeable with the Payment of any Composition for Tithes, such Person not being a Tenant for any lesser Term than a Term of Twenty-one Years from the Commencement thereof, and any such Person was thereby empowered and entitled to agree for and undertake the Payment of such Composition, on the Terms and in the Manner and subject to the Preference and other Regulations in the said recited Act of the last Session of Parliament contained: And whereas it was by the said last-recited Act further enacted, that the chief Landlord or Lessor seised of any Rent and Reversion in Land charged or which might become chargeable with any such Composition for Tithes should be entitled to agree for and undertake the Payment of such Composition in preference to all other Persons whatsoever, provided that such chief Landlord or Lessor should signify, in manner by the said last-recited Act provided and appointed, his Desire so to do within Six Calendar Months next after the passing of the said last-recited Act: And whereas the Period by the said last-recited Act limited for the Preference of such chief Landlords or Lessors has expired, and it is expedient that further Time should be given to allow such chief Landlords or Lessors to take upon them the Payment of such Compositions;’ be it therefore enacted, That the chief Landlord or Lessor seised of any Rent or Reversion in Land charged or which may become chargeable with any Composition for Tithes shall be entitled to agree for and undertake the Payment of such Composition on the Terms and in the Manner and subject to the Regulations in the said last-recited Act contained, in preference to all other Persons whatsoever, provided

Chief Landlord
or Lessor of
Lands charge-
able with Com-
position for
Tithes entitled
to undertake
Payment of
same in Terms

vided that such chief Landlord or Lessor shall signify, in manner by the said last-recited Act appointed, his Desire so to do within Twelve Calendar Months next after the passing of this Act: Provided always, that from and after the Expiration of the Period hereby limited for the Preference of such chief Landlords or Lessors it shall and may become lawful for Persons having Estates or Interests derived under such chief Landlords or Lessors, and not being Tenants for any lesser Term than a Term of Twenty-one Years from the Commencement thereof, to agree for and undertake the future Payment of such Compositions, on the Terms, and in the Manner, and subject to the Preference among each other, and to the other Regulations in the said recited Act contained; and provided further, that nothing herein contained shall extend to disturb or invalidate any Agreement or Undertaking for the Payment of such Compositions which may have been entered into before the passing of this Act by any inferior Landlord or Lessor, nor to entitle any superior Landlord to any Preference in such Cases: Provided always, that if such chief Landlord or Lessor as aforesaid shall by Writing under his Hand and Seal renounce his Right to the said Preference hereby given, then it may and shall be lawful for any other Lessor to serve a Notice, and undertake the Duty and Obligation and Liability to Payment, as he could have done by the said recited Act or this Act if the said Twelve Months had expired.

of recited Act, in preference to others, provided he shall signify his Desire within 12 Months after passing of this Act.

Existing Contracts made by inferior Tenants not to be disturbed.

XXVIII. And be it further enacted, That the Receipt of Rent, or the Production of any Lease made by any Person claiming any Preference under the said recited Act or this Act, shall be *prima facie* Evidence of the Estate or Interest of such Person, and that it shall not be necessary for any such Person to produce the Deed, Grant, Conveyance, or Instrument creating such Estate or Interest; any thing in the said recited Act contained to the contrary notwithstanding, unless in the Case of any Dispute as to such Right of Preference being referred to a Master of the Court of Chancery, in manner by the said Act provided, and in such Case such Master shall be at liberty to require the Production of such Deed, Grant, Conveyance, or Instrument, or to receive such other Evidence of the Title and Interest of such Person as to him shall seem fit.

Production of Title Deeds dispensed with.

XXIX. And be it further enacted, That when any Composition in any Parish shall have been ascertained and fixed by a sole Commissioner nominated by the said Lord Lieutenant, pursuant to the said recited Act of the Second Year of His present Majesty's Reign, it shall and may be lawful for any Seven or more Persons in such Parish, qualified in like Manner as Persons authorized to proceed in execution of the Acts for the establishing of Compositions for Tithes in *Ireland* at any Special Vestry called in such Parish are by such Acts required to be qualified, at any Time within Two Calendar Months after the passing of this Act, to require the Churchwardens of such Parish to summon a Special Vestry for the Purpose of considering the Propriety of appealing against the Composition so established in such Parish, on the Ground of the Amount of such Composition; and such Churchwardens shall cause public Notice to be given in the usual Manner of giving Notices for holding Vestries that a Special Vestry of Persons qualified according to the Directions of the said recited Acts

Appeal against Compositions made under Act of last Session on Ground of Excess in the Amount.

will

will be holden on some Day to be named in such Notice, being not less than Seven Days nor more than Fourteen Days from the first Publication thereof, for the Purpose aforesaid; and such Vestry so assembled shall take such Composition into consideration, and may adjourn from Time to Time to any Day or Days not more than Ten Days distant from the first Day of meeting; and if at such Vestry or any Adjournment thereof it shall be determined to appeal against the Composition established in such Parish, such Appeal shall be made to the said Lord Lieutenant in Council, in the Name of such Vestry, on behalf of such Parish; and the Grounds of such Appeal shall be stated in Writing, and signed by the Chairman of such Vestry, and transmitted by him to the Clerk of the Privy Council within Two Days after such Meeting; and it shall be lawful for the said Lord Lieutenant and Council to entertain every Appeal so lodged as aforesaid, and for the Determination thereof to examine into the Nature of the Agreements and Adjudications or other Evidence upon which such Composition may have been calculated, and with regard thereto, at their Pleasure and Discretion, to make such Order for the decreasing the Amount of the Composition stated in the Certificate thereof as to such Lord Lieutenant and Council shall seem fitting; and such Certificate, and the Amount of the Composition ascertained thereby, and the Entry of such Certificate in the Registry of the Diocese, shall be altered and amended in such Manner as shall be directed by such Lord Lieutenant and Council.

Privy Council
may refer
Appeal to
Judge of Assize
or Assistant
Barrister for his
Report.

XXX. Provided, and be it enacted, That it shall and may be lawful for such Lord Lieutenant and Council, if they shall so think fit, to refer the Matter of such Appeal to the next going Judge of Assize or to the Assistant Barrister of the County in which the Parish shall be situate to which such Appeal shall relate, with such Directions as to his Proceeding therein as to them shall seem meet; and such Judge or Assistant Barrister shall, according to such Directions, inquire in open Court into the Matter of such Appeal, and report thereon to the said Lord Lieutenant and Council, who shall, upon due Consideration of such Report, make such Order in respect of the Amount of such Composition so appealed against as to them shall seem fit; and the Certificate and Entry thereof, and Book of Applotment, shall be amended as aforesaid, agreeably to such Order.

If Certificate of
Composition
not yet laid
before Special
Vestry to be
held for Consi-
deration thereof,
such Vestry
when assembled
may decide on
Appeal under
this Act as well
as under former
Acts.

XXXI. Provided always, and be it enacted, That wherever the Certificate of such sole Commissioner, ascertaining and fixing the Amount of any such Composition, shall not have been received by the Churchwardens of any Parish within One Calendar Month after the passing of this Act, then and in such Case the Propriety of appealing against such Composition on the Ground herein-before mentioned shall be determined upon at the Special Vestry to be holden, under the Provisions of the said recited Acts for establishing Compositions for Tithes in *Ireland*, for the Consideration of such Certificate; and it shall be lawful for such Vestry to direct that Appeal shall be made against such Certificate on the Ground herein-before mentioned, as well as on account of any thing contained in such Certificate or omitted therefrom to the Prejudice of such Parish, as by the said Acts provided; and in such Case it shall not be lawful to hold any second Special Vestry for the Consideration

tion of the Propriety of appealing against such Composition on the Ground herein-before mentioned; any thing herein contained to the contrary notwithstanding.

XXXII. And be it enacted, That on the Hearing and Decision of any Appeal which may be made under the Provision of this Act against any Composition established by any sole Commissioners as aforesaid, such Costs as the said Lord Lieutenant, with the Advice and Consent of the said Privy Council, shall think fit to adjudge and direct, shall be paid to or by any Party appealing or appealed against.

Costs on Appeal.

XXXIII. Provided, and be it further enacted, That no Proceeding shall be taken upon any Application for Relief under this Act in any Case where any Tithes payable under a Composition shall be included in the Memorial of the Applicant, until the Periods by this Act and the said recited Acts for establishing Compositions for Tithes respectively limited for making Appeal against such Composition shall have expired; and in any Case in which such Appeal shall be made all such Proceedings upon such Application shall be suspended until the Determination thereof; and upon such Determination the Memorial and Schedule by which such Application may have been made shall, if need be, be transmitted to the Memorialist, to be by him amended and returned to the said Lord Lieutenant and Council, if he shall so think fit; and upon the Return of any such Memorial and Schedule all such Proceedings as by this Act directed in respect of any Application for Relief thereunder shall and may be taken in respect thereof, although the Time limited by this Act for the making Applications for Relief thereunder shall have expired: Provided always, that such Memorial and Schedule shall be returned within Six Weeks, after the same shall have been so transmitted to the Memorialist.

Pending Appeal, Proceedings for Relief under this Act suspended.

XXXIV. And be it further enacted, That whenever, upon any Appeal made under this Act or any of the Acts in force for establishing Compositions for Tithes in *Ireland*, the Lord Lieutenant and Council shall make Order for altering the Amount of any Composition or Apportionment thereof, such Order shall relate to and take effect from such Time as such Lord Lieutenant and Council shall think fit to declare; and the Book of Applotment shall in all such Cases be altered and amended as such Lord Lieutenant and Council shall direct.

If Amount of Composition altered, Book of Applotment to be altered also.

XXXV. ' And whereas by the Acts now in force in *Ireland* for the establishing Compositions for Tithes such Compositions are payable by Two equal half-yearly Payments, one on the First Day of *May* and one on the First Day of *November* in each Year, and it is expedient that such Compositions should be made payable by One yearly Payment on the First Day of *November* in every Year; be it therefore enacted, That so much of the said Acts as authorizes or directs the Collection or Levy of such Compositions by Two equal half-yearly Payments, the one whereof to become due on the First Day of *May* and the other on the First Day of *November* in each and every Year, shall be repealed, and that the Amount of such Compositions shall be collected and levied by One yearly Payment which shall become due on the First Day of *November* in each and every Year, and which shall and may be recovered by all

Tithe Composition shall be henceforth payable by One yearly Payment on the 1st Day of *November* in each Year.

such Ways and Means as by the said recited Acts provided for the Recovery of any such half-yearly Payment as aforesaid.

Lord Lieutenant may order Advance of Money not exceeding 200*l.* from Consolidated Fund for executing this Act in any County; to be repaid by Grand Jury Presentment.

XXXVI. And be it further enacted, That it shall and may be lawful for the said Lord Lieutenant to order and direct that any such Sum or Sums of Money as he shall think necessary shall from Time to Time be advanced out of the Produce of the Consolidated Fund arising in *Ireland* for the defraying of any Expences to be incurred in the carrying this Act into execution, not exceeding the Sum of Two hundred Pounds for carrying the same into execution in any one County; and that all such Advances shall be made to such Persons, at such Times, in such Manner, and under such Rules and Regulations, as shall from Time to Time be ordered and directed by such Lord Lieutenant, and as shall be signified in the usual Manner by the Chief Secretary of such Lord Lieutenant, or in his Absence by the Under Secretary; and that a Certificate of the Amount of the Money so advanced for carrying this Act into execution in each County, under the Hand of such Chief Secretary or Under Secretary, shall be sent to the Treasurer of the County for which such Money shall have been so advanced; and such Treasurer shall lay such Certificate before the Grand Jury of such County at the next Assizes; and such Grand Jury shall and they are hereby required to present the Amount stated in such Certificate to be raised off such County in the same Manner as any Money presented by any Grand Jury may by Law be raised therefrom; and it shall not be lawful for the Court at any such Assizes to fiat any Presentment for raising any other Money until such Presentment for the Repayment of such Advances be first made and allowed; and whenever the Amount stated in such Certificate shall be levied, the same shall be paid over to the Collector of Excise of the District (or in such other Manner as the Commissioners of the Treasury shall direct), and the Monies so arising shall be applied to replace the Sums so advanced out of the said Consolidated Fund.

Lord Lieutenant may appoint Barristers of Six Years standing to preside at Special Sessions under this Act.

XXXVII. And be it further enacted, That it shall be lawful for the said Lord Lieutenant of *Ireland*, at his Discretion, to appoint, by Warrant under his Hand, for the Duty of presiding at the Special Sessions to be held under the Provisions of this Act in any County, any Barrister or Barristers of not less than Six Years standing at the *Irish Bar*, to be Assistant to or Deputies of the Assistant Barrister or Chairman; and that all the Powers, Duties, and Authorities given or imposed by this Act to or upon any Assistant Barrister or Chairman are and shall be by virtue of such Warrant given to and imposed upon such Assistants or Deputies; and that all Acts to be done by such Deputies or Assistants shall be of the same Efficacy in Law as if done by the Assistant Barrister or Chairman upon whom such Duties would have otherwise devolved under this Act; and that all such and the like Fees as would have been payable to any such Assistant Barrister or Chairman at any Special Sessions under the Provisions of this Act shall be paid and payable, for his own Use, to the Deputy or Assistant who may by virtue of such Warrant preside at such Special Sessions; and it shall and may be lawful for the said Lord Lieutenant to grant to any Barrister acting under any such Warrant such Remuneration, in addition to the Amount of Fees so received by him,

as such Lord Lieutenant shall think fit, but so that the Amount of such Fees, together with such additional Remuneration, shall not in the whole exceed Five Guineas for each Day during which he may be so employed, over and above his travelling or other Expences; and every such Barrister, after the Termination of his last Sitting, shall lay or cause to be laid before the said Lord Lieutenant a Statement of the Amount of such Fees, and of the Number of Days during which he shall have been employed, and an Account of the travelling and other Expences incurred by him in respect of such Employment, and such Lord Lieutenant shall make an Order for the Amount to be paid to such Barrister out of the Consolidated Fund.

XXXVIII. And be it further enacted, That no Stamp Duty shall be paid or chargeable upon any Proceeding, Order, Copy, Instrument, Document, Receipt, or other Matter or Thing occurring, used in, or occasioned by any Proceeding under this Act; any other Act or Acts, or any Law or Usage, to the contrary hereof notwithstanding.

All Proceedings under this Act exempt from Stamp Duty.

XXXIX. And be it further enacted, That if any Person or Persons who shall make or take any Oath or Affidavit under or in pursuance of the Provisions of this Act, and therein wilfully or knowingly swear or answer falsely to any Matter or Thing, every such Person, being duly convicted thereof, shall incur and suffer such Penalties, Pains, and Disabilities as Persons convicted of wilful and corrupt Perjury are by Law liable to.

Persons who swear falsely shall suffer as for Perjury.

XL. And be it enacted, That the Words "Lord Lieutenant" or "Lord Lieutenant of Ireland," wheresoever used in this Act, shall extend to and include any Lords Justices or other Chief Governor or Governors of *Ireland* for the Time being; and the Words "Commissioners of the Treasury" shall be construed to mean any Three or more of such Lords Commissioners of His Majesty's Treasury, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland*, and whenever such Officer there shall be; and the Words "any Person entitled to any Tithes" shall be construed to extend to and include all Ecclesiastical Persons, and Bodies Corporate, Sole, or Aggregate, Lay or Ecclesiastical or Collegiate, and all Incumbents of Parishes, whether Rectors, Vicars, or Curates, and all Impropriators and Appropriators, and every Person or Persons whomsoever being the Owner or Owners of or entitled in any Manner whatsoever, at Law or in Equity, in his, her, or their own Right, or as Trustees, Devisees, Personal Representatives, Lessees, or otherwise, to any Tithes or Portion or Portions of Tithes, or Composition established in lieu of Tithes, or Portion or Portions of such Composition; and the Word "Tithes" shall extend and be applied to any Composition for Tithes or Portion of Tithes, or Portion of a Composition for Tithes, as well as to Tithes; and the Word "Composition" shall extend and be applied to any Portion or Portions of a Composition as well as to a Composition; and the Word "County" shall extend and be applied to any Riding, County of a City, or County of a Town as well as a County at large; and the Word "Parish" shall extend and be applied to any Extra-parochial Place or Places separately chargeable with any Composition for Tithes as well as to a Parish; and wheresoever the Word "Landlord" or "Person" or "Memorialist" is used in this Act,

Interpretation of Words and Expressions in this Act.

the Provision shall extend to and include the Heirs, Executors, Administrators, or Assigns of such Landlord or Person or Memorialist; and every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing, and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male, save and except where in the Use of any of the Words or Expressions aforesaid the Nature of the Provision or the Context shall exclude such Construction.

Act may be altered this Session.

XLI. And be it enacted, That this Act may be amended, altered, or repealed by any Act or Acts to be passed in the present Session of Parliament.

CAP. CI.

An Act to provide for the Collection and Management of the Duties on Tea. [29th August 1833.]

‘ WHEREAS the exclusive Right of trading in Tea now enjoyed by the United Company of Merchants of *England* trading to the *East Indies* will on the Twenty-second Day of *April* One thousand eight hundred and thirty-four terminate, and it is therefore necessary to make further Provisions for the Regulation of the Trade in Tea and the Duties payable thereon, and to transfer the Management of the said Duties from the Commissioners of Excise to the Commissioners of Customs;’ be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty-second Day of *April* One thousand eight hundred and thirty-four it shall be lawful to import any Tea into the United Kingdom from the *Cape of Good Hope* and from Places Eastward of the same to the *Straits of Magellan*, and not from any other Place, in such and the like Manner as if the same were set forth in an Act passed in the present Session of Parliament for the general Regulation of the Customs.

Tea importable into the United Kingdom from the Cape of Good Hope and Places Eastward thereof.

Tea importable into British Possessions, &c. from Cape of Good Hope, &c.

II. And be it further enacted, That it shall be lawful to import any Tea into any of the Islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, or into the *British Possessions of America*, from the *Cape of Good Hope* and Places Eastward of the same to the *Straits of Magellan*, or from the United Kingdom, and not from any other Place, in such and the like Manner as if the same were set forth in an Act passed in the present Session of Parliament to regulate the Trade of the *British Possessions Abroad*.

Duties.

III. And be it further enacted, That from and after the Twenty-second Day of *April* One thousand eight hundred and thirty-four the Duties of Excise payable upon Tea in the United Kingdom shall cease and determine, except as hereafter provided, and that in lieu of such Duties there shall be paid the several Duties of Customs as the same are set forth in the Table following; and such Duties shall be raised, levied, collected, and paid unto His Majesty, and shall be appropriated and applied in like Manner as if the same had been imposed by an Act passed in the present Session of Parliament for granting Duties of Customs; (that is to say,)

TABLE

TABLE OF DUTIES ON TEA IN WAREHOUSE, OR IMPORTED INTO THE
UNITED KINGDOM :

Tea : <i>videlicet</i> ,		£	s.	d.
—	Bohea - - - the Pound	-	1	6
—	Congou, Twankay, Hysonskin, Orange } Pekoe, and Campoi, - the Pound }	-	2	2
—	Souchong, Flowery Pekoe, Hyson, Young } Hyson, Gunpowder, Imperial, and other }	-	3	0
	Sorts not enumerated - the Pound }			

Provided always, that nothing herein contained shall alter or affect the Duties payable upon Tea which shall have been sold by the *East India Company* at their public Sales prior to the said Twenty-second Day of *April* One thousand eight hundred and thirty-four: Provided also, that the Allowance commonly called Draft now made by the Commissioners of Excise in the weighing of Tea shall be made by the Commissioners of Customs under the Authority of this Act.

Not to affect
Tea sold before
22d April 1834.

Allowance of
Draft.

IV. And be it further enacted, That no Abatement of Duty shall be made on account of Damage received by any Tea during the Voyage; but it shall be lawful for the Importer to separate the damaged Parts, and to abandon the same to the Commissioners of the Customs for the Duty.

Abatement for
Sea Damage
not to be
allowed.

V. And be it further enacted, That if different Sorts of Tea mixed together be imported in the same Package, the whole shall be liable to the highest Rate of Duty to which any of such Sorts would be separately liable; and if Two or more Sorts of Tea not perfectly mixed together be imported in One Package, the same shall be forfeited, and shall and may be seized, sued for, recovered, and dealt with in the same Manner as any Forfeiture incurred under any Law relating to the Customs.

Mixed Tea
liable to highest
Duty.

Two Sorts in
same Package,
not mixed, to be
forfeited.

VI. And be it further enacted, That from and after the passing of this Act it shall be lawful for the Lords Commissioners of His Majesty's Treasury, by any Warrant under the Hands of any Three or more of them, to order and direct that the Importation of Tea and the Duties thereon shall be under the Management of the Commissioners of Customs instead of the Management of the Commissioners of Excise, and from and after the Time specified in any such Warrant the same shall be transferred accordingly: Provided always, that until the Transfer of such Management and of the Custody of Tea in Warehouse shall have been fully made under the Directions of the Lords Commissioners of His Majesty's Treasury, any Act, Matter, or Thing done or performed by, to, or with the Commissioners of Excise or their Officers shall have the same Effect in Law as if the same had been done or performed by, to, or with the Commissioners of the Customs or their Officers under the Authority of this Act; but nothing herein-before contained shall extend to alter or affect any Law of Excise relating to Licences for the Sale of Tea, or relating to Permits for the Removal of Tea, or otherwise to the internal Management of Tea by the Commissioners of Excise, after the Duties of Importation on the same shall have been paid, and after the same has been delivered out of the Charge of the Officers of the Customs.

Importation of
Tea to be under
Management of
Commissioners
of Customs, but
Acts done by
Excise to be
legal

Licences to sell
Tea, and Per-
mits, not to be
affected.

VII. And be it further enacted, That it shall be lawful for the Lords Commissioners of His Majesty's Treasury, by any Warrant

Treasury may
discontinue
Permits for Tea

and other
Goods, and
substitute other
Regulations.

or Order under the Hands of any Two or more of them, to discontinue the Practice of requiring and issuing Permits for the Removal of Tea, and to make and establish any other Rules, Regulations, and Restrictions, either of Customs or Excise, in lieu of such Practice, as to them shall, after the Discontinuance of the same, appear necessary for the Security of the Revenue; and all Rules, Regulations, and Restrictions so made and established shall have the Force of Law as fully as if the same were embodied in this Act, and shall be obeyed and enforced in like Manner as any Rules, Regulations, and Restrictions of Customs or of Excise respectively are or can be obeyed or enforced under the Provisions of any Act or Acts of Parliament relating to the Customs or to the Excise respectively; and Copies of such Rules, Regulations, and Restrictions shall be laid before Parliament.

CAP. CII.

An Act to repeal certain penal Enactments made in the Parliament of *Ireland* against Roman Catholic Clergymen for celebrating Marriages contrary to the Provisions of certain Acts made in the Parliament of *Ireland*.
[29th August 1833.]

‘ WHEREAS Roman Catholic Clergymen were by certain Acts of the Parliament of *Ireland* rendered liable to Punishment, Pains, and Penalties for celebrating Marriages contrary to the Provisions thereof, to which Punishment, Pains, and Penalties no other Clergymen or Ministers are liable: And whereas it is expedient to amend the Law in this respect:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the following Acts made in the Parliament of *Ireland*, (that is to say,) of an Act passed in the Sixth Year of the Reign of Queen *Anne*, intituled *An Act for the more effectual preventing the taking away and marrying Children against the Will of their Parents or Guardians*; also of an Act passed in the Twelfth Year of the Reign of King *George the First*, intituled *An Act to prevent Marriages by degraded Clergymen and Popish Priests, and for preventing Marriages consummated from being avoided by Pre-contracts, and for the more effectual preventing of Bigamy*; also of an Act passed in the Twenty-third Year of the Reign of King *George the Second*, intituled *An Act for explaining and making more effectual an Act, intituled ‘An Act for the more effectual preventing clandestine Marriages;’* and another Act passed in the Twelfth Year of His late Majesty’s Reign, intituled *An Act to preventing Marriages by degraded Clergymen and Popish Priests, and for preventing Marriages consummated from being avoided by Pre-contracts, and for the more effectual punishing of Bigamy*; also of an Act passed in the Thirty-third Year of the Reign of King *George the Third*, intituled *An Act for the Relief of His Majesty’s Popish or Roman Catholic Subjects of Ireland*, as contains any penal Enactment which exclusively affects a Roman Catholic Clergyman celebrating Marriage between any Persons, knowing them or either of them at the Time of such Marriage to be of the Protestant Religion,

So much of the
Acts herein
named of
6 Ann. (I.)

12 G. 1. (I.)

23 G. 2. (I.)

12 G. 3. (I.)

33 G. 3. (I.)
as makes it
Felony for
Roman Catholic
Clergymen to
celebrate Mar-

ligion, or as declares or enacts that any Roman Catholic Clergyman who shall celebrate any Marriage between Two Protestants or reputed Protestants, or between a Protestant or reputed Protestant and a Roman Catholic, shall be guilty of Felony, and suffer Death as a Felon, without Benefit of Clergy or of the Statute, or as enacts and declares that any Roman Catholic Clergyman who shall celebrate any Marriage between Two Protestants, or between any such Protestant and Papist, unless such Protestant and Papist shall have been first married by a Clergyman of the Protestant Religion, shall forfeit the Sum of Five hundred Pounds to His Majesty upon Conviction thereof, shall from and after the passing of this Act be repealed, and that so much and such Parts only of the said recited Acts are hereby repealed.

riages between Protestants, &c. repealed.

II. Provided always, and be it enacted, That nothing herein contained shall extend to any Proceeding, Criminal or Civil, commenced before the passing of this Act; and that nothing herein contained shall be construed to repeal so much of any of the said recited Acts as expressly or by Implication repeals any former Act or Acts, nor to revive or recognize any Enactment as being in force at the Time of the passing of this Act which by any Act heretofore made was expressly or by Implication repealed or altered.

Nothing herein to extend to any former Proceedings, nor to affect any of the recited Acts that repeal former Acts.

III. And be it further enacted, That nothing in this Act shall extend or be construed to extend to the giving Validity to any Marriage Ceremony in *Ireland*, which Ceremony is not now valid under the existing Laws, or to the Repeal of any Enactments now in force for preventing the Performance of the Marriage Ceremony by degraded Clergymen.

Act not to give Validity to any Ceremony not now valid, &c.

CAP. CIII.

An Act to regulate the Labour of Children and young Persons in the Mills and Factories of the United Kingdom.
[29th August 1833.]

10 v 11 c 29

‘ **W**HEREAS it is necessary that the Hours of Labour of Children and young Persons employed in Mills and Factories should be regulated, inasmuch as there are great Numbers of Children and young Persons now employed in Mills and Factories, and their Hours of Labour are longer than is desirable, due Regard being had to their Health and Means of Education:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *January* One thousand eight hundred and thirty-four no Person under Eighteen Years of Age shall be allowed to work in the Night, (that is to say,) between the Hours of Half past Eight o’Clock in the Evening and Half past Five o’Clock in the Morning, except as herein-after provided, in or about any Cotton, Woollen, Worsted, Hemp, Flax, Tow, Linen, or Silk Mill or Factory, wherein Steam or Water or any other mechanical Power is or shall be used to propel or work the Machinery in such Mill or Factory, either in scutching, carding, roving, spinning, piecing, twisting, winding, throwing, doubling, netting, making Thread, dressing or weaving of Cotton, Wool, Worsted, Hemp, Flax, Tow, or Silk, either separately or mixed, in any such Mill or Factory situate in any

Persons under 18 Years of Age not allowed to work at Night in the Mills or Factories herein described.

Part of the United Kingdom of *Great Britain and Ireland* provided always, that nothing in this Act shall apply or extend to the working of any Steam or other Engine, Water-wheel, or Water-power in or belonging to any Mill or Building or Machinery used in that Part of the Process or Work commonly called *roughing*, or boiling of Woollens, nor to any Apprentices or Persons employed therein, nor to the Labour of young Persons above the Age of Thirteen Years when employed in packing in any Warehouse or Place attached to any Mill, and not to any Manufacturing Process: Provided also, that nothing in this Act shall apply or extend to any Mill or Factory used solely for the Manufacture of Lace.

Persons under
18 not to work
more than
12 Hours a
Day.

Extension of
Hours of work-
ing in certain
Cases.

Providing for
unavoidable
Time lost in
Cases of Acci-
dent.

Loss of Time
from the Want
or Excess of
Water in the
Daytime pro-
vided for.

II. And be it further enacted, That no Person under the Age of Eighteen Years shall be employed in any such Mill or Factory in such Description of Work as aforesaid more than Twelve Hours in any one Day, nor more than Sixty-nine Hours in any Week, except as herein-after provided.

III. Provided always, and be it further enacted, That if at any Time in any such Mill, Manufactory, or Buildings situated on any Stream of Water, Time shall be lost in consequence of the Want of a due Supply or of an Excess of Water, or by reason of its being impounded in higher Reservoirs, then and in every such Case and so often as the same shall happen it shall be lawful for the Occupier of any such Mill, Manufactory, or Building to extend the Time of Labour in this Act prescribed at the Rate of Three Hours *per* Week until such lost Time shall have been made good, but no longer, such Time to be worked between the Hours of Five of the Clock in the Morning and Nine of the Clock in the Evening: Provided also, that no Time shall be recoverable after it has been lost Six Calendar Months.

IV. And be it further enacted, That when any extraordinary Accident shall happen to the Steam Engine, Water-wheel, Weir, or Watercourses, Main Shafting, Main Gearing, or Gas Apparatus of any such Mill, Manufactory, or Buildings, by which not less than Three Hours Labour at any one Time shall be lost, then and in every such Case such Time may be worked up at the Rate of One Hour a Day, in addition to the aforesaid and herein-after restricted Hours of Labour, for the Twelve following working Days, but not after.

V. And whereas during Periods of Drought and of Floods the Power of Water-wheels on some Streams is wholly interrupted, or so far diminished that the Machinery or Part or Parts of the Machinery dependant upon such Power cannot be regularly worked at one and the same Time, and in consequence thereof a certain Portion of the Time of such Persons as are employed in the working of such Machinery may be lost in each Day during such Period of Drought or Floods; be it therefore enacted, That it shall be lawful for the Occupier of any Mill, Manufactory, or Building, when Time is so lost, then and in every such Case and so often as the same shall happen, to extend the Hours between which Persons under Eighteen Years of Age are herein-before allowed to work, (*videlicet*, from Five of the Clock in the Morning till Nine in the Evening,) as herein-before limited, to such Period as may in such Case be necessary to prevent the Loss of Time

and no longer: Provided always, that no Child or young Person within the respective Ages prescribed by this Act shall be actually employed a greater Number of Hours within the Twenty-four Hours of any one Day than this Act declares to be lawful; and provided also, that no Child under Thirteen Years of Age shall be employed after the Hour of Nine of the Clock in the Evening nor before the Hour of Five in the Morning.

VI. And be it further enacted, That there shall be allowed in the Course of every Day not less than One and a Half Hours for Meals to every such Person restricted as herein-before provided to the Performance of Twelve Hours Work daily.

Time for Meals.

VII. And be it enacted, That from and after the First Day of January One thousand eight hundred and thirty-four it shall not be lawful for any Person whatsoever to employ in any Factory or Mill as aforesaid, except in Mills for the Manufacture of Silk, any Child who shall not have completed his or her Ninth Year of Age.

Employment of Children under Nine Years prohibited.

VIII. And be it further enacted, That from and after the Expiration of Six Months after the passing of this Act it shall not be lawful for any Person whatsoever to employ, keep, or allow to remain in any Factory or Mill as aforesaid for a longer Time than Forty-eight Hours in any one Week, nor for a longer Time than Nine Hours in any one Day, except as herein provided, any Child who shall not have completed his or her Eleventh Year of Age, or after the Expiration of Eighteen Months from the passing of this Act any Child who shall not have completed his or her Twelfth Year of Age, or after the Expiration of Thirty Months from the passing of this Act any Child who shall not have completed his or her Thirteenth Year of Age: Provided nevertheless, that in Mills for the Manufacture of Silk, Children under the Age of Thirteen Years shall be allowed to work Ten Hours in any one Day.

The Employment of Children under 11, 12, and 13 Years of Age for more than Eight Hours a Day prohibited.

IX. And be it further enacted, That all Children and young Persons whose Hours of Work are regulated and limited by this Act shall be entitled to the following Holydays; *videlicet*, on *Christmas Day* and *Good Friday* the entire Day, and not fewer than Eight Half Days besides in every Year, such Half Days to be at such Period or Periods, together or separately, as may be most desirable and convenient, and as shall be determined on by the Master of such Children and young Persons: Provided nevertheless, that in *Scotland* any other Days may be substituted for *Christmas Day* and for *Good Friday*, both or either, as such Master may determine.

Holidays to be allowed.

X. And be it further enacted, That if any Child within the Age herein-before restricted to Nine Hours of Day Labour shall have been employed in any one Day for less than Nine Hours in One Factory or Mill, it shall be lawful for any Person to employ such Child in any other Factory or Mill on the same Day for the Residue of such Nine Hours; provided that such Employment in such other Mill or Factory shall not increase the Labour of such Child to more than Nine Hours in any one Day, or to more than Forty-eight Hours in any one Week.

Children employed in any one Mill less than 9 Hours not to be employed in any other Mill more than the Residue of 9 Hours.

XI. And be it further enacted, That from and after the Expiration of Six Months after the passing of this Act it shall not be lawful

Children not to be employed without a Cer-

will be holden on some Day to be named in such Notice, being not less than Seven Days nor more than Fourteen Days from the first Publication thereof, for the Purpose aforesaid; and such Vestry so assembled shall take such Composition into consideration, and may adjourn from Time to Time to any Day or Days not more than Ten Days distant from the first Day of meeting; and if at such Vestry or any Adjournment thereof it shall be determined to appeal against the Composition established in such Parish, such Appeal shall be made to the said Lord Lieutenant in Council, in the Name of such Vestry, on behalf of such Parish; and the Grounds of such Appeal shall be stated in Writing, and signed by the Chairman of such Vestry, and transmitted by him to the Clerk of the Privy Council within Two Days after such Meeting; and it shall be lawful for the said Lord Lieutenant and Council to entertain every Appeal so lodged as aforesaid, and for the Determination thereof to examine into the Nature of the Agreements and Adjudications or other Evidence upon which such Composition may have been calculated, and with regard thereto, at their Pleasure and Discretion, to make such Order for the decreasing the Amount of the Composition stated in the Certificate thereof as to such Lord Lieutenant and Council shall seem fitting; and such Certificate, and the Amount of the Composition ascertained thereby, and the Entry of such Certificate in the Registry of the Diocese, shall be altered and amended in such Manner as shall be directed by such Lord Lieutenant and Council.

Privy Council
may refer
Appeal to
Judge of Assize
or Assistant
Barrister for his
Report.

XXX. Provided, and be it enacted, That it shall and may be lawful for such Lord Lieutenant and Council, if they shall so think fit, to refer the Matter of such Appeal to the next going Judge of Assize or to the Assistant Barrister of the County in which the Parish shall be situate to which such Appeal shall relate, with such Directions as to his Proceeding therein as to them shall seem meet; and such Judge or Assistant Barrister shall, according to such Directions, inquire in open Court into the Matter of such Appeal, and report thereon to the said Lord Lieutenant and Council, who shall, upon due Consideration of such Report, make such Order in respect of the Amount of such Composition so appealed against as to them shall seem fit; and the Certificate and Entry thereof, and Book of Applotment, shall be amended as aforesaid, agreeably to such Order.

If Certificate of
Composition
not yet laid
before Special
Vestry to be
held for Consi-
deration thereof,
such Vestry
when assembled
may decide on
Appeal under
this Act as well
as under former
Acts.

XXXI. Provided always, and be it enacted, That wherever the Certificate of such sole Commissioner, ascertaining and fixing the Amount of any such Composition, shall not have been received by the Churchwardens of any Parish within One Calendar Month after the passing of this Act, then and in such Case the Propriety of appealing against such Composition on the Ground herein-before mentioned shall be determined upon at the Special Vestry to be holden, under the Provisions of the said recited Acts for establishing Compositions for Tithes in *Ireland*, for the Consideration of such Certificate; and it shall be lawful for such Vestry to direct that Appeal shall be made against such Certificate on the Ground herein-before mentioned, as well as on account of any thing contained in such Certificate or omitted therefrom to the Prejudice of such Parish, as by the said Acts provided; and in such Case it shall not be lawful to hold any second Special Vestry for the Consideration

tion

tion of the Propriety of appealing against such Composition on the Ground herein-before mentioned; any thing herein contained to the contrary notwithstanding.

XXXII. And be it enacted, That on the Hearing and Decision of any Appeal which may be made under the Provision of this Act against any Composition established by any sole Commissioners as aforesaid, such Costs as the said Lord Lieutenant, with the Advice and Consent of the said Privy Council, shall think fit to adjudge and direct, shall be paid to or by any Party appealing or appealed against.

Costs on Appeal.

XXXIII. Provided, and be it further enacted, That no Proceeding shall be taken upon any Application for Relief under this Act in any Case where any Tithes payable under a Composition shall be included in the Memorial of the Applicant, until the Periods by this Act and the said recited Acts for establishing Compositions for Tithes respectively limited for making Appeal against such Composition shall have expired; and in any Case in which such Appeal shall be made all such Proceedings upon such Application shall be suspended until the Determination thereof; and upon such Determination the Memorial and Schedule by which such Application may have been made shall, if need be, be transmitted to the Memorialist, to be by him amended and returned to the said Lord Lieutenant and Council, if he shall so think fit; and upon the Return of any such Memorial and Schedule all such Proceedings as by this Act directed in respect of any Application for Relief thereunder shall and may be taken in respect thereof, although the Time limited by this Act for the making Applications for Relief thereunder shall have expired: Provided always, that such Memorial and Schedule shall be returned within Six Weeks after the same shall have been so transmitted to the Memorialist.

Pending Appeal, Proceedings for Relief under this Act suspended.

XXXIV. And be it further enacted, That whenever, upon any Appeal made under this Act or any of the Acts in force for establishing Compositions for Tithes in *Ireland*, the Lord Lieutenant and Council shall make Order for altering the Amount of any Composition or Apportionment thereof, such Order shall relate to and take effect from such Time as such Lord Lieutenant and Council shall think fit to declare; and the Book of Applotment shall in all such Cases be altered and amended as such Lord Lieutenant and Council shall direct.

If Amount of Composition altered, Book of Applotment to be altered also.

XXXV. 'And whereas by the Acts now in force in *Ireland* for the establishing Compositions for Tithes such Compositions are payable by Two equal half-yearly Payments, one on the First Day of *May* and one on the First Day of *November* in each Year, and it is expedient that such Compositions should be made payable by One yearly Payment on the First Day of *November* in every Year;' be it therefore enacted, That so much of the said Acts as authorizes or directs the Collection or Levy of such Compositions by Two equal half-yearly Payments, the one whereof to become due on the First Day of *May* and the other on the First Day of *November* in each and every Year, shall be repealed, and that the Amount of such Compositions shall be collected and levied by One yearly Payment which shall become due on the First Day of *November* in each and every Year, and which shall and may be recovered by all

Tithe Composition shall be henceforth payable by One yearly Payment on the 1st Day of *November* in each Year.

such Ways and Means as by the said recited Acts provided for the Recovery of any such half-yearly Payment as aforesaid.

Lord Lieutenant may order Advance of Money not exceeding 200*l.* from Consolidated Fund for executing this Act in any County; to be repaid by Grand Jury Presentment.

XXXVI. And be it further enacted, That it shall and may be lawful for the said Lord Lieutenant to order and direct that any such Sum or Sums of Money as he shall think necessary shall from Time to Time be advanced out of the Produce of the Consolidated Fund arising in *Ireland* for the defraying of any Expences to be incurred in the carrying this Act into execution, not exceeding the Sum of Two hundred Pounds for carrying the same into execution in any one County; and that all such Advances shall be made to such Persons, at such Times, in such Manner, and under such Rules and Regulations, as shall from Time to Time be ordered and directed by such Lord Lieutenant, and as shall be signified in the usual Manner by the Chief Secretary of such Lord Lieutenant, or in his Absence by the Under Secretary; and that a Certificate of the Amount of the Money so advanced for carrying this Act into execution in each County, under the Hand of such Chief Secretary or Under Secretary, shall be sent to the Treasurer of the County for which such Money shall have been so advanced; and such Treasurer shall lay such Certificate before the Grand Jury of such County at the next Assizes; and such Grand Jury shall and they are hereby required to present the Amount stated in such Certificate to be raised off such County in the same Manner as any Money presented by any Grand Jury may by Law be raised therefrom; and it shall not be lawful for the Court at any such Assizes to fiat any Presentment for raising any other Money until such Presentment for the Repayment of such Advances be first made and allowed; and whenever the Amount stated in such Certificate shall be levied, the same shall be paid over to the Collector of Excise of the District (or in such other Manner as the Commissioners of the Treasury shall direct), and the Monies so arising shall be applied to replace the Sums so advanced out of the said Consolidated Fund.

Lord Lieutenant may appoint Barristers of Six Years standing to preside at Special Sessions under this Act.

XXXVII. And be it further enacted, That it shall be lawful for the said Lord Lieutenant of *Ireland*, at his Discretion, to appoint, by Warrant under his Hand, for the Duty of presiding at the Special Sessions to be held under the Provisions of this Act in any County, any Barrister or Barristers of not less than Six Years standing at the *Irish* Bar, to be Assistant to or Deputies of the Assistant Barrister or Chairman; and that all the Powers, Duties, and Authorities given or imposed by this Act to or upon any Assistant Barrister or Chairman are and shall be by virtue of such Warrant given to and imposed upon such Assistants or Deputies; and that all Acts to be done by such Deputies or Assistants shall be of the same Efficacy in Law as if done by the Assistant Barrister or Chairman upon whom such Duties would have otherwise devolved under this Act; and that all such and the like Fees as would have been payable to any such Assistant Barrister or Chairman at any Special Sessions under the Provisions of this Act shall be paid and payable, for his own Use, to the Deputy or Assistant who may by virtue of such Warrant preside at such Special Sessions; and it shall and may be lawful for the said Lord Lieutenant to grant to any Barrister acting under any such Warrant such Remuneration, in addition to the Amount of Fees so received by him,

as such Lord Lieutenant shall think fit, but so that the Amount of such Fees, together with such additional Remuneration, shall not in the whole exceed Five Guineas for each Day during which he may be so employed, over and above his travelling or other Expences; and every such Barrister, after the Termination of his last Sitting, shall lay or cause to be laid before the said Lord Lieutenant a Statement of the Amount of such Fees, and of the Number of Days during which he shall have been employed, and an Account of the travelling and other Expences incurred by him in respect of such Employment, and such Lord Lieutenant shall make an Order for the Amount to be paid to such Barrister out of the Consolidated Fund.

XXXVIII. And be it further enacted, That no Stamp Duty shall be paid or chargeable upon any Proceeding, Order, Copy, Instrument, Document, Receipt, or other Matter or Thing occurring, used in, or occasioned by any Proceeding under this Act; any other Act or Acts, or any Law or Usage, to the contrary hereof notwithstanding.

All Proceedings under this Act exempt from Stamp Duty.

XXXIX. And be it further enacted, That if any Person or Persons who shall make or take any Oath or Affidavit under or in pursuance of the Provisions of this Act, and therein wilfully or knowingly swear or answer falsely to any Matter or Thing, every such Person, being duly convicted thereof, shall incur and suffer such Penalties, Pains, and Disabilities as Persons convicted of wilful and corrupt Perjury are by Law liable to.

Persons who swear falsely shall suffer as for Perjury.

XL. And be it enacted, That the Words "Lord Lieutenant" or "Lord Lieutenant of Ireland," wheresoever used in this Act, shall extend to and include any Lords Justices or other Chief Governor or Governors of *Ireland* for the Time being; and the Words "Commissioners of the Treasury" shall be construed to mean any Three or more of such Lords Commissioners of His Majesty's Treasury, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland*, and whenever such Officer there shall be; and the Words "any Person entitled to any Tithes" shall be construed to extend to and include all Ecclesiastical Persons, and Bodies Corporate, Sole, or Aggregate, Lay or Ecclesiastical or Collegiate, and all Incumbents of Parishes, whether Rectors, Vicars, or Curates, and all Impropriators and Appropriators, and every Person or Persons whomsoever being the Owner or Owners of or entitled in any Manner whatsoever, at Law or in Equity, in his, her, or their own Right, or as Trustees, Devisees, Personal Representatives, Lessees, or otherwise, to any Tithes or Portion or Portions of Tithes, or Composition established in lieu of Tithes, or Portion or Portions of such Composition; and the Word "Tithes" shall extend and be applied to any Composition for Tithes or Portion of Tithes, or Portion of a Composition for Tithes, as well as to Tithes; and the Word "Composition" shall extend and be applied to any Portion or Portions of a Composition as well as to a Composition; and the Word "County" shall extend and be applied to any Riding, County of a City, or County of a Town as well as a County at large; and the Word "Parish" shall extend and be applied to any Extra-parochial Place or Places separately chargeable with any Composition for Tithes as well as to a Parish; and wheresoever the Word "Landlord" or "Person" or "Memorialist" is used in this Act,

Interpretation of Words and Expressions in this Act.

the Provision shall extend to and include the Heirs, Executors, Administrators, or Assigns of such Landlord or Person or Memorialist: and every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing, and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male, save and except where in the Use of any of the Words or Expressions aforesaid the Nature of the Provision or the Context shall exclude such Construction.

Act may be altered this Session.

XLJ. And be it enacted, That this Act may be amended, altered, or repealed by any Act or Acts to be passed in the present Session of Parliament.

CAP. CI.

An Act to provide for the Collection and Management of the Duties on Tea. [29th August 1833.]

‘ WHEREAS the exclusive Right of trading in Tea now enjoyed by the United Company of Merchants of *England* trading to the *East Indies* will on the Twenty-second Day of *April* One thousand eight hundred and thirty-four terminate, and it is therefore necessary to make further Provisions for the Regulation of the Trade in Tea and the Duties payable thereon, and to transfer the Management of the said Duties from the Commissioners of Excise to the Commissioners of Customs;’ be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty-second Day of *April* One thousand eight hundred and thirty-four it shall be lawful to import any Tea into the United Kingdom from the *Cape of Good Hope* and from Places Eastward of the same to the *Straits of Magellan*, and not from any other Place, in such and the like Manner as if the same were set forth in an Act passed in the present Session of Parliament for the general Regulation of the Customs.

Tea importable into the United Kingdom from the Cape of Good Hope and Places Eastward thereof.

Tea importable into British Possessions, &c. from Cape of Good Hope, &c.

II. And be it further enacted, That it shall be lawful to import any Tea into any of the Islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, or into the *British Possessions of America*, from the *Cape of Good Hope* and Places Eastward of the same to the *Straits of Magellan*, or from the United Kingdom, and not from any other Place, in such and the like Manner as if the same were set forth in an Act passed in the present Session of Parliament to regulate the Trade of the *British Possessions Abroad*.

Duties.

III. And be it further enacted, That from and after the Twenty-second Day of *April* One thousand eight hundred and thirty-four the Duties of Excise payable upon Tea in the United Kingdom shall cease and determine, except as hereafter provided, and that in lieu of such Duties there shall be paid the several Duties of Customs as the same are set forth in the Table following; and such Duties shall be raised, levied, collected, and paid unto His Majesty, and shall be appropriated and applied in like Manner as if the same had been imposed by an Act passed in the present Session of Parliament for granting Duties of Customs; (that is to say,)

TABLE

TABLE OF DUTIES ON TEA IN WAREHOUSE, OR IMPORTED INTO THE UNITED KINGDOM :

Tea : <i>videlicet</i> ,				£	s.	d.
— Bohea	-	-	- the Pound	-	1	6
— Congou, Twankay, Hysonskin, Orange	}	-	the Pound	-	2	2
Pekoe, and Campoi,						
— Souchong, Flowery Pekoe, Hyson, Young	}	-	the Pound	-	3	0
Hyson, Gunpowder, Imperial, and other						
Sorts not enumerated	-	-	- the Pound	-	3	0

Provided always, that nothing herein contained shall alter or affect the Duties payable upon Tea which shall have been sold by the *East India* Company at their public Sales prior to the said Twenty-second Day of *April* One thousand eight hundred and thirty-four: Provided also, that the Allowance commonly called Draft now made by the Commissioners of Excise in the weighing of Tea shall be made by the Commissioners of Customs under the Authority of this Act.

Not to affect
Tea sold before
22d April 1834.

Allowance of
Draft.

IV. And be it further enacted, That no Abatement of Duty shall be made on account of Damage received by any Tea during the Voyage; but it shall be lawful for the Importer to separate the damaged Parts, and to abandon the same to the Commissioners of the Customs for the Duty.

Abatement for
Sea Damage
not to be
allowed.

V. And be it further enacted, That if different Sorts of Tea mixed together be imported in the same Package, the whole shall be liable to the highest Rate of Duty to which any of such Sorts would be separately liable; and if Two or more Sorts of Tea not perfectly mixed together be imported in One Package, the same shall be forfeited, and shall and may be seized, sued for, recovered, and dealt with in the same Manner as any Forfeiture incurred under any Law relating to the Customs.

Mixed Tea
liable to highest
Duty.

Two Sorts in
same Package,
not mixed, to be
forfeited.

VI. And be it further enacted, That from and after the passing of this Act it shall be lawful for the Lords Commissioners of His Majesty's Treasury, by any Warrant under the Hands of any Three or more of them, to order and direct that the Importation of Tea and the Duties thereon shall be under the Management of the Commissioners of Customs instead of the Management of the Commissioners of Excise, and from and after the Time specified in any such Warrant the same shall be transferred accordingly: Provided always, that until the Transfer of such Management and of the Custody of Tea in Warehouse shall have been fully made under the Directions of the Lords Commissioners of His Majesty's Treasury, any Act, Matter, or Thing done or performed by, to, or with the Commissioners of Excise or their Officers shall have the same Effect in Law as if the same had been done or performed by, to, or with the Commissioners of the Customs or their Officers under the Authority of this Act; but nothing herein-before contained shall extend to alter or affect any Law of Excise relating to Licences for the Sale of Tea, or relating to Permits for the Removal of Tea, or otherwise to the internal Management of Tea by the Commissioners of Excise, after the Duties of Importation on the same shall have been paid, and after the same has been delivered out of the Charge of the Officers of the Customs.

Importation of
Tea to be under
Management of
Commissioners
of Customs, but
Acts done by
Excise to be
legal

Licences to sell
Tea, and Per-
mits, not to be
affected.

VII. And be it further enacted, That it shall be lawful for the Lords Commissioners of His Majesty's Treasury, by any Warrant

Treasury may
discontinue
Permits for Tea

and other
Goods, and
substitute other
Regulations.

or Order under the Hands of any Two or more of them
continue the Practice of requiring and issuing Permits for the
of Tea, and to make and establish any other Rules, Regulations,
and Restrictions, either of Customs or Excise, in like
Practice, as to them shall, after the Discontinuance of
appear necessary for the Security of the Revenue; and
Regulations, and Restrictions so made and established
the Force of Law as fully as if the same were embodied
Act, and shall be obeyed and enforced in like Manner as all
Regulations, and Restrictions of Customs or of Excise re-
are or can be obeyed or enforced under the Provisions
Act or Acts of Parliament relating to the Customs or
Excise respectively; and Copies of such Rules, Regulations
Restrictions shall be laid before Parliament.

CAP. CII.

An Act to repeal certain penal Enactments made in
Parliament of *Ireland* against Roman Catholic Cler-
gymen for celebrating Marriages contrary to the
visions of certain Acts made in the Parliament
Ireland.
[29th August 18

‘ WHEREAS Roman Catholic Clergymen were by cer-
‘ Acts of the Parliament of *Ireland* rendered liable to Pun-
‘ ment, Pains, and Penalties for celebrating Marriages contrary
‘ the Provisions thereof, to which Punishment, Pains, and Pen-
‘ ties no other Clergymen or Ministers are liable: And where
‘ it is expedient to amend the Law in this respect:’ Be it there-
enacted by the King’s most Excellent Majesty, by and with the
Advice and Consent of the Lords Spiritual and Temporal, and
Commons, in this present Parliament assembled, and by the Au-
thority of the same, That so much of the following Acts made in
the Parliament of *Ireland*, (that is to say,) of an Act passed in the
Sixth Year of the Reign of Queen *Anne*, intituled *An Act for the
more effectual preventing the taking away and marrying Children
against the Will of their Parents or Guardians*; also of an Act
passed in the Twelfth Year of the Reign of King *George* the First,
intituled *An Act to prevent Marriages by degraded Clergymen and
Popish Priests, and for preventing Marriages consummated from
being avoided by Pre-contracts, and for the more effectual preventing
of Bigamy*; also of an Act passed in the Twenty-third Year of the
Reign of King *George* the Second, intituled *An Act for explaining
and making more effectual an Act, intituled ‘ An Act for the more
‘ effectual preventing clandestine Marriages;’* and another Act passed
in the Twelfth Year of His late Majesty’s Reign, intituled *An Act
to preventing Marriages by degraded Clergymen and Popish Priests,
and for preventing Marriages consummated from being avoided by
Pre-contracts, and for the more effectual punishing of Bigamy*; also
of an Act passed in the Thirty-third Year of the Reign of King
George the Third, intituled *An Act for the Relief of His Majesty’s
Popish or Roman Catholic Subjects of Ireland*, as contains any penal
Enactment which exclusively affects a Roman Catholic Clergyman
celebrating Marriage between any Persons, knowing them or either
of them at the Time of such Marriage to be of the Protestant Re-
ligion,

So much of the
Acts herein
named of
6 Ann. (I.)

12 G. 1. (I.)

23 G. 2. (I.)

12 G. 3. (I.)

33 G. 3. (I.)
as makes it
Felony for
Roman Catholic
Clergymen to
celebrate Mar-

Two or more, or as declares or enacts that any Roman Catholic Clergyman issuing any other Protestant, or between a Protestant or reputed Protestant and a Roman Catholic, shall be guilty of Felony, and suffer Death as a Felon, without Benefit of Clergy or of the Statute, or as a Felon, and declares that any Roman Catholic Clergyman who shall celebrate any Marriage between Two Protestants, or between any such Protestant and Papist, unless such Protestant and Papist shall have been first married by a Clergyman of the Protestant Religion, shall forfeit the Sum of Five hundred Pounds to His Majesty upon Conviction thereof, shall from and after the passing of this Act be repealed, and that so much and such Parts only of the said recited Acts are hereby repealed.

riages between Protestants, &c. repealed.

II. Provided always, and be it enacted, That nothing herein contained shall extend to any Proceeding, Criminal or Civil, commenced before the passing of this Act; and that nothing herein contained shall be construed to repeal so much of any of the said recited Acts as expressly or by Implication repeals any former Act or Acts, nor to revive or recognize any Enactment as being in force at the Time of the passing of this Act which by any Act heretofore made was expressly or by Implication repealed or altered.

Nothing herein to extend to any former Proceedings, nor to affect any of the recited Acts that repeal former Acts.

III. And be it further enacted, That nothing in this Act shall extend or be construed to extend to the giving Validity to any Marriage Ceremony in *Ireland*, which Ceremony is not now valid under the existing Laws, or to the Repeal of any Enactments now in force for preventing the Performance of the Marriage Ceremony by degraded Clergymen.

Act not to give Validity to any Ceremony not now valid, &c.

CAP. CIII.

An Act to regulate the Labour of Children and young Persons in the Mills and Factories of the United Kingdom.

[29th August 1833.]

10 v 11 C 29

WHEREAS it is necessary that the Hours of Labour of Children and young Persons employed in Mills and Factories should be regulated, inasmuch as there are great Numbers of Children and young Persons now employed in Mills and Factories, and their Hours of Labour are longer than is desirable, due Regard being had to their Health and Means of Education: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *January* One thousand eight hundred and thirty-four no Person under Eighteen Years of Age shall be allowed to work in the Night, (that is to say,) between the Hours of Half past Eight o'Clock in the Evening and Half past Five o'Clock in the Morning, except as herein-after provided, in or about any Cotton, Woollen, Worsted, Hemp, Flax, Tow, Linen, or Silk Mill or Factory, wherein Steam or Water or any other mechanical Power is or shall be used to propel or work the Machinery in such Mill or Factory, either in scutching, carding, roving, spinning, piecing, twisting, winding, throwing, doubling, netting, making Thread, dressing or weaving of Cotton, Wool, Worsted, Hemp, Flax, Tow, or Silk, either separately or mixed, in any such Mill or Factory situate in any

Persons under 18 Years of Age not allowed to work at Night in the Mills or Factories herein described.

‘ as a Bonus to the Persons liable to the Payment of such Compositions, but in some Cases such Persons may be the same Persons by whom such Arrears of Tithes may have been incurred, and it is not just that any Bonus should be afforded to such Persons;’ be it therefore enacted, That whenever the Person liable to the Payment of the Addition to any Composition payable therewith by the Provisions of this Act shall appear by any such amended Memorial and Schedule and Account as aforesaid to owe any Sum for or on account of any Tithes included therein, such Person shall, over and above such Composition and the Addition payable therewith, be bound to pay on each Occasion of paying such Addition such Sum as shall be equal to Twenty-five Pounds *per Centum* on the Fifth of the Arrears of Tithe due by such Person for the Years One thousand eight hundred and thirty-one and One thousand eight hundred and thirty-two, and Fifteen *per Cent.* on the Fifth of the Arrears of Tithe due by him for the Year One thousand eight hundred and thirty-three; and such Sum, calculated as aforesaid, shall be deemed and taken to be Part of such Compensation, and recoverable as well as the said Addition therewith.

2&3W.4.c.119. XXVII. ‘ And whereas an Act was passed in the last Session of Parliament, intituled ‘ *An Act to amend Three Acts, passed respectively in the Fourth, Fifth, and in the Seventh and Eighth Years of the Reign of His late Majesty King George the Fourth, providing for the Establishment of Compositions for Tithes in Ireland, and to make such Compositions permanent*, whereby it was among other things enacted, that it should be lawful for any Person having in possession any Estate or Interest in Land charged or which may become chargeable with the Payment of any Composition for Tithes, such Person not being a Tenant for any lesser Term than a Term of Twenty-one Years from the Commencement thereof, and any such Person was thereby empowered and entitled to agree for and undertake the Payment of such Composition, on the Terms and in the Manner and subject to the Preference and other Regulations in the said recited Act of the last Session of Parliament contained: And whereas it was by the said last-recited Act further enacted, that the chief Landlord or Lessor seised of any Rent and Reversion in Land charged or which might become chargeable with any such Composition for Tithes should be entitled to agree for and undertake the Payment of such Composition in preference to all other Persons whatsoever, provided that such chief Landlord or Lessor should signify, in manner by the said last-recited Act provided and appointed, his Desire so to do within Six Calendar Months next after the passing of the said last-recited Act: And whereas the Period by the said last-recited Act limited for the Preference of such chief Landlords or Lessors has expired, and it is expedient that further Time should be given to allow such chief Landlords or Lessors to take upon them the Payment of such Compositions;’ be it therefore enacted, That the chief Landlord or Lessor seised of any Rent or Reversion in Land charged or which may become chargeable with any Composition for Tithes shall be entitled to agree for and undertake the Payment of such Composition on the Terms and in the Manner and subject to the Regulations in the said last-recited Act contained, in preference to all other Persons whatsoever, provided

Chief Landlord or Lessor of Lands chargeable with Composition for Tithes entitled to undertake Payment of same in Terms

vided that such chief Landlord or Lessor shall signify, in manner by the said last-recited Act appointed, his Desire so to do within Twelve Calendar Months next after the passing of this Act: Provided always, that from and after the Expiration of the Period hereby limited for the Preference of such chief Landlords or Lessors it shall and may become lawful for Persons having Estates or Interests derived under such chief Landlords or Lessors, and not being Tenants for any lesser Term than a Term of Twenty-one Years from the Commencement thereof, to agree for and undertake the future Payment of such Compositions, on the Terms, and in the Manner, and subject to the Preference among each other, and to the other Regulations in the said recited Act contained; and provided further, that nothing herein contained shall extend to disturb or invalidate any Agreement or Undertaking for the Payment of such Compositions which may have been entered into before the passing of this Act by any inferior Landlord or Lessor, nor to entitle any superior Landlord to any Preference in such Cases: Provided always, that if such chief Landlord or Lessor as aforesaid shall by Writing under his Hand and Seal renounce his Right to the said Preference hereby given, then it may and shall be lawful for any other Lessor to serve a Notice, and undertake the Duty and Obligation and Liability to Payment, as he could have done by the said recited Act or this Act if the said Twelve Months had expired.

of recited Act, in preference to others, provided he shall signify his Desire within 12 Months after passing of this Act.

Existing Contracts made by inferior Tenants not to be disturbed.

XXVIII. And be it further enacted, That the Receipt of Rent, or the Production of any Lease made by any Person claiming any Preference under the said recited Act or this Act, shall be *prima facie* Evidence of the Estate or Interest of such Person, and that it shall not be necessary for any such Person to produce the Deed, Grant, Conveyance, or Instrument creating such Estate or Interest; any thing in the said recited Act contained to the contrary notwithstanding, unless in the Case of any Dispute as to such Right of Preference being referred to a Master of the Court of Chancery, in manner by the said Act provided, and in such Case such Master shall be at liberty to require the Production of such Deed, Grant, Conveyance, or Instrument, or to receive such other Evidence of the Title and Interest of such Person as to him shall seem fit.

Production of Title Deeds dispensed with.

XXIX. And be it further enacted, That when any Composition in any Parish shall have been ascertained and fixed by a sole Commissioner nominated by the said Lord Lieutenant, pursuant to the said recited Act of the Second Year of His present Majesty's Reign, it shall and may be lawful for any Seven or more Persons in such Parish, qualified in like Manner as Persons authorized to proceed in execution of the Acts for the establishing of Compositions for Tithes in *Ireland* at any Special Vestry called in such Parish are by such Acts required to be qualified, at any Time within Two Calendar Months after the passing of this Act, to require the Churchwardens of such Parish to summon a Special Vestry for the Purpose of considering the Propriety of appealing against the Composition so established in such Parish, on the Ground of the Amount of such Composition; and such Churchwardens shall cause public Notice to be given in the usual Manner of giving Notices for holding Vestries that a Special Vestry of Persons qualified according to the Directions of the said recited Acts will

Appeal against Compositions made under Act of last Session on Ground of Excess in the Amount.

will be holden on some Day to be named in such Notice, being not less than Seven Days nor more than Fourteen Days from the first Publication thereof, for the Purpose aforesaid; and such Vestry so assembled shall take such Composition into consideration, and may adjourn from Time to Time to any Day or Days not more than Ten Days distant from the first Day of meeting; and if at such Vestry or any Adjournment thereof it shall be determined to appeal against the Composition established in such Parish, such Appeal shall be made to the said Lord Lieutenant in Council, in the Name of such Vestry, on behalf of such Parish; and the Grounds of such Appeal shall be stated in Writing, and signed by the Chairman of such Vestry, and transmitted by him to the Clerk of the Privy Council within Two Days after such Meeting; and it shall be lawful for the said Lord Lieutenant and Council to entertain every Appeal so lodged as aforesaid, and for the Determination thereof to examine into the Nature of the Agreements and Adjudications or other Evidence upon which such Composition may have been calculated, and with regard thereto, at their Pleasure and Discretion, to make such Order for the decreasing the Amount of the Composition stated in the Certificate thereof as to such Lord Lieutenant and Council shall seem fitting; and such Certificate, and the Amount of the Composition ascertained thereby, and the Entry of such Certificate in the Registry of the Diocese, shall be altered and amended in such Manner as shall be directed by such Lord Lieutenant and Council.

Privy Council
may refer
Appeal to
Judge of Assize
or Assistant
Barrister for his
Report.

XXX. Provided, and be it enacted, That it shall and may be lawful for such Lord Lieutenant and Council, if they shall so think fit, to refer the Matter of such Appeal to the next going Judge of Assize or to the Assistant Barrister of the County in which the Parish shall be situate to which such Appeal shall relate, with such Directions as to his Proceeding therein as to them shall seem meet; and such Judge or Assistant Barrister shall, according to such Directions, inquire in open Court into the Matter of such Appeal, and report thereon to the said Lord Lieutenant and Council, who shall, upon due Consideration of such Report, make such Order in respect of the Amount of such Composition so appealed against as to them shall seem fit; and the Certificate and Entry thereof, and Book of Applotment, shall be amended as aforesaid, agreeably to such Order.

If Certificate of
Composition
not yet laid
before Special
Vestry to be
held for Consi-
deration thereof,
such Vestry
when assembled
may decide on
Appeal under
this Act as well
as under former
Acts.

XXXI. Provided always, and be it enacted, That wherever the Certificate of such sole Commissioner, ascertaining and fixing the Amount of any such Composition, shall not have been received by the Churchwardens of any Parish within One Calendar Month after the passing of this Act, then and in such Case the Propriety of appealing against such Composition on the Ground herein-before mentioned shall be determined upon at the Special Vestry to be holden, under the Provisions of the said recited Acts for establishing Compositions for Tithes in *Ireland*, for the Consideration of such Certificate; and it shall be lawful for such Vestry to direct that Appeal shall be made against such Certificate on the Ground herein-before mentioned, as well as on account of any thing contained in such Certificate or omitted therefrom to the Prejudice of such Parish, as by the said Acts provided; and in such Case it shall not be lawful to hold any second Special Vestry for the Consideration

tion

tion of the Propriety of appealing against such Composition on the Ground herein-before mentioned; any thing herein contained to the contrary notwithstanding.

XXXII. And be it enacted, That on the Hearing and Decision of any Appeal which may be made under the Provision of this Act against any Composition established by any sole Commissioners as aforesaid, such Costs as the said Lord Lieutenant, with the Advice and Consent of the said Privy Council, shall think fit to adjudge and direct, shall be paid to or by any Party appealing or appealed against.

Costs on Appeal.

XXXIII. Provided, and be it further enacted, That no Proceeding shall be taken upon any Application for Relief under this Act in any Case where any Tithes payable under a Composition shall be included in the Memorial of the Applicant, until the Periods by this Act and the said recited Acts for establishing Compositions for Tithes respectively limited for making Appeal against such Composition shall have expired; and in any Case in which such Appeal shall be made all such Proceedings upon such Application shall be suspended until the Determination thereof; and upon such Determination the Memorial and Schedule by which such Application may have been made shall, if need be, be transmitted to the Memorialist, to be by him amended and returned to the said Lord Lieutenant and Council, if he shall so think fit; and upon the Return of any such Memorial and Schedule all such Proceedings as by this Act directed in respect of any Application for Relief thereunder shall and may be taken in respect thereof, although the Time limited by this Act for the making Applications for Relief thereunder shall have expired: Provided always, that such Memorial and Schedule shall be returned within Six Weeks, after the same shall have been so transmitted to the Memorialist.

Pending Appeal, Proceedings for Relief under this Act suspended.

XXXIV. And be it further enacted, That whenever, upon any Appeal made under this Act or any of the Acts in force for establishing Compositions for Tithes in *Ireland*, the Lord Lieutenant and Council shall make Order for altering the Amount of any Composition or Apportionment thereof, such Order shall relate to and take effect from such Time as such Lord Lieutenant and Council shall think fit to declare; and the Book of Applotment shall in all such Cases be altered and amended as such Lord Lieutenant and Council shall direct.

If Amount of Composition altered, Book of Applotment to be altered also.

XXXV. 'And whereas by the Acts now in force in *Ireland* for the establishing Compositions for Tithes such Compositions are payable by Two equal half-yearly Payments, one on the First Day of *May* and one on the First Day of *November* in each Year, and it is expedient that such Compositions should be made payable by One yearly Payment on the First Day of *November* in every Year;' be it therefore enacted, That so much of the said Acts as authorizes or directs the Collection or Levy of such Compositions by Two equal half-yearly Payments, the one whereof to become due on the First Day of *May* and the other on the First Day of *November* in each and every Year, shall be repealed, and that the Amount of such Compositions shall be collected and levied by One yearly Payment which shall become due on the First Day of *November* in each and every Year, and which shall and may be recovered by all

Tithe Composition shall be henceforth payable by One yearly Payment on the 1st Day of *November* in each Year.

such Ways and Means as by the said recited Acts provided for the Recovery of any such half-yearly Payment as aforesaid.

Lord Lieutenant may order Advance of Money not exceeding 200*l.* from Consolidated Fund for executing this Act in any County; to be repaid by Grand Jury Presentment.

XXXVI. And be it further enacted, That it shall and may be lawful for the said Lord Lieutenant to order and direct that any such Sum or Sums of Money as he shall think necessary shall from Time to Time be advanced out of the Produce of the Consolidated Fund arising in *Ireland* for the defraying of any Expences to be incurred in the carrying this Act into execution, not exceeding the Sum of Two hundred Pounds for carrying the same into execution in any one County; and that all such Advances shall be made to such Persons, at such Times, in such Manner, and under such Rules and Regulations, as shall from Time to Time be ordered and directed by such Lord Lieutenant, and as shall be signified in the usual Manner by the Chief Secretary of such Lord Lieutenant, or in his Absence by the Under Secretary; and that a Certificate of the Amount of the Money so advanced for carrying this Act into execution in each County, under the Hand of such Chief Secretary or Under Secretary, shall be sent to the Treasurer of the County for which such Money shall have been so advanced; and such Treasurer shall lay such Certificate before the Grand Jury of such County at the next Assizes; and such Grand Jury shall and they are hereby required to present the Amount stated in such Certificate to be raised off such County in the same Manner as any Money presented by any Grand Jury may by Law be raised therefrom; and it shall not be lawful for the Court at any such Assizes to fiat any Presentment for raising any other Money until such Presentment for the Repayment of such Advances be first made and allowed; and whenever the Amount stated in such Certificate shall be levied, the same shall be paid over to the Collector of Excise of the District (or in such other Manner as the Commissioners of the Treasury shall direct), and the Monies so arising shall be applied to replace the Sums so advanced out of the said Consolidated Fund.

Lord Lieutenant may appoint Barristers of Six Years standing to preside at Special Sessions under this Act.

XXXVII. And be it further enacted, That it shall be lawful for the said Lord Lieutenant of *Ireland*, at his Discretion, to appoint, by Warrant under his Hand, for the Duty of presiding at the Special Sessions to be held under the Provisions of this Act in any County, any Barrister or Barristers of not less than Six Years standing at the *Irish* Bar, to be Assistant to or Deputies of the Assistant Barrister or Chairman; and that all the Powers, Duties, and Authorities given or imposed by this Act to or upon any Assistant Barrister or Chairman are and shall be by virtue of such Warrant given to and imposed upon such Assistants or Deputies; and that all Acts to be done by such Deputies or Assistants shall be of the same Efficacy in Law as if done by the Assistant Barrister or Chairman upon whom such Duties would have otherwise devolved under this Act; and that all such and the like Fees as would have been payable to any such Assistant Barrister or Chairman at any Special Sessions under the Provisions of this Act shall be paid and payable, for his own Use, to the Deputy or Assistant who may by virtue of such Warrant preside at such Special Sessions; and it shall and may be lawful for the said Lord Lieutenant to grant to any Barrister acting under any such Warrant such Remuneration, in addition to the Amount of Fees so received by him,

as such Lord Lieutenant shall think fit, but so that the Amount of such Fees, together with such additional Remuneration, shall not in the whole exceed Five Guineas for each Day during which he may be so employed, over and above his travelling or other Expences; and every such Barrister, after the Termination of his last Sitting, shall lay or cause to be laid before the said Lord Lieutenant a Statement of the Amount of such Fees, and of the Number of Days during which he shall have been employed, and an Account of the travelling and other Expences incurred by him in respect of such Employment, and such Lord Lieutenant shall make an Order for the Amount to be paid to such Barrister out of the Consolidated Fund.

XXXVIII. And be it further enacted, That no Stamp Duty shall be paid or chargeable upon any Proceeding, Order, Copy, Instrument, Document, Receipt, or other Matter or Thing occurring, used in, or occasioned by any Proceeding under this Act; any other Act or Acts, or any Law or Usage, to the contrary hereof notwithstanding.

All Proceedings under this Act exempt from Stamp Duty.

XXXIX. And be it further enacted, That if any Person or Persons who shall make or take any Oath or Affidavit under or in pursuance of the Provisions of this Act, and therein wilfully or knowingly swear or answer falsely to any Matter or Thing, every such Person, being duly convicted thereof, shall incur and suffer such Penalties, Pains, and Disabilities as Persons convicted of wilful and corrupt Perjury are by Law liable to.

Persons who swear falsely shall suffer as for Perjury.

XL. And be it enacted, That the Words "Lord Lieutenant" or "Lord Lieutenant of Ireland," wheresoever used in this Act, shall extend to and include any Lords Justices or other Chief Governor or Governors of *Ireland* for the Time being; and the Words "Commissioners of the Treasury" shall be construed to mean any Three or more of such Lords Commissioners of His Majesty's Treasury, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland*, and whenever such Officer there shall be; and the Words "any Person entitled to any Tithes" shall be construed to extend to and include all Ecclesiastical Persons, and Bodies Corporate, Sole, or Aggregate, Lay or Ecclesiastical or Collegiate, and all Incumbents of Parishes, whether Rectors, Vicars, or Curates, and all Impropriators and Appropriators, and every Person or Persons whomsoever being the Owner or Owners of or entitled in any Manner whatsoever, at Law or in Equity, in his, her, or their own Right, or as Trustees, Devisees, Personal Representatives, Lessees, or otherwise, to any Tithes or Portion or Portions of Tithes, or Composition established in lieu of Tithes, or Portion or Portions of such Composition; and the Word "Tithes" shall extend and be applied to any Composition for Tithes or Portion of Tithes, or Portion of a Composition for Tithes, as well as to Tithes; and the Word "Composition" shall extend and be applied to any Portion or Portions of a Composition as well as to a Composition; and the Word "County" shall extend and be applied to any Riding, County of a City, or County of a Town as well as a County at large; and the Word "Parish" shall extend and be applied to any Extra-parochial Place or Places separately chargeable with any Composition for Tithes as well as to a Parish; and wheresoever the Word "Landlord" or "Person" or "Memorialist" is used in this Act,

Interpretation of Words and Expressions in this Act.

the Provision shall extend to and include the Heirs, Executors, Administrators, or Assigns of such Landlord or Person or Memorialist; and every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing, and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male, save and except where in the Use of any of the Words or Expressions aforesaid the Nature of the Provision or the Context shall exclude such Construction.

Act may be altered this Session.

XXI. And be it enacted, That this Act may be amended, altered, or repealed by any Act or Acts to be passed in the present Session of Parliament.

CAP. CI.

An Act to provide for the Collection and Management of the Duties on Tea. [29th August 1833.]

‘WHEREAS the exclusive Right of trading in Tea now enjoyed by the United Company of Merchants of *England* trading to the *East Indies* will on the Twenty-second Day of *April* One thousand eight hundred and thirty-four terminate, and it is therefore necessary to make further Provisions for the Regulation of the Trade in Tea and the Duties payable thereon, and to transfer the Management of the said Duties from the Commissioners of Excise to the Commissioners of Customs;’ be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty-second Day of *April* One thousand eight hundred and thirty-four it shall be lawful to import any Tea into the United Kingdom from the *Cape of Good Hope* and from Places Eastward of the same to the *Straits of Magellan*, and not from any other Place, in such and the like Manner as if the same were set forth in an Act passed in the present Session of Parliament for the general Regulation of the Customs.

Tea importable into the United Kingdom from the Cape of Good Hope and Places Eastward thereof.

Tea importable into British Possessions, &c. from Cape of Good Hope, &c.

II. And be it further enacted, That it shall be lawful to import any Tea into any of the Islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, or into the *British Possessions of America*, from the *Cape of Good Hope* and Places Eastward of the same to the *Straits of Magellan*, or from the United Kingdom, and not from any other Place, in such and the like Manner as if the same were set forth in an Act passed in the present Session of Parliament to regulate the Trade of the *British Possessions Abroad*.

Duties.

III. And be it further enacted, That from and after the Twenty-second Day of *April* One thousand eight hundred and thirty-four the Duties of Excise payable upon Tea in the United Kingdom shall cease and determine, except as hereafter provided, and that in lieu of such Duties there shall be paid the several Duties of Customs as the same are set forth in the Table following; and such Duties shall be raised, levied, collected, and paid unto His Majesty, and shall be appropriated and applied in like Manner as if the same had been imposed by an Act passed in the present Session of Parliament for granting Duties of Customs; (that is to say,)

TABLE

TABLE OF DUTIES ON TEA in WAREHOUSE, or IMPORTED into the
UNITED KINGDOM :

Tea: <i>videlicet</i> ,		£	s.	d.
— Bohea	- - - the Pound	-	1	6
— Congou, Twankay, Hysonskin, Orange Pekoe, and Campoi,	- the Pound	-	2	2
— Souchong, Flowery Pekoe, Hyson, Young Hyson, Gunpowder, Imperial, and other Sorts not enumerated	- the Pound	-	3	0

Provided always, that nothing herein contained shall alter or affect the Duties payable upon Tea which shall have been sold by the *East India Company* at their public Sales prior to the said Twenty-second Day of *April* One thousand eight hundred and thirty-four: Provided also, that the Allowance commonly called Draft now made by the Commissioners of Excise in the weighing of Tea shall be made by the Commissioners of Customs under the Authority of this Act.

Not to affect
Tea sold before
22d April 1834.

Allowance of
Draft.

IV. And be it further enacted, That no Abatement of Duty shall be made on account of Damage received by any Tea during the Voyage; but it shall be lawful for the Importer to separate the damaged Parts, and to abandon the same to the Commissioners of the Customs for the Duty.

Abatement for
Sea Damage
not to be
allowed.

V. And be it further enacted, That if different Sorts of Tea mixed together be imported in the same Package, the whole shall be liable to the highest Rate of Duty to which any of such Sorts would be separately liable; and if Two or more Sorts of Tea not perfectly mixed together be imported in One Package, the same shall be forfeited, and shall and may be seized, sued for, recovered, and dealt with in the same Manner as any Forfeiture incurred under any Law relating to the Customs.

Mixed Tea
liable to highest
Duty.

Two Sorts in
same Package,
not mixed, to be
forfeited.

VI. And be it further enacted, That from and after the passing of this Act it shall be lawful for the Lords Commissioners of His Majesty's Treasury, by any Warrant under the Hands of any Three or more of them, to order and direct that the Importation of Tea and the Duties thereon shall be under the Management of the Commissioners of Customs instead of the Management of the Commissioners of Excise, and from and after the Time specified in any such Warrant the same shall be transferred accordingly: Provided always, that until the Transfer of such Management and of the Custody of Tea in Warehouse shall have been fully made under the Directions of the Lords Commissioners of His Majesty's Treasury, any Act, Matter, or Thing done or performed by, to, or with the Commissioners of Excise or their Officers shall have the same Effect in Law as if the same had been done or performed by, to, or with the Commissioners of the Customs or their Officers under the Authority of this Act; but nothing herein-before contained shall extend to alter or affect any Law of Excise relating to Licences for the Sale of Tea, or relating to Permits for the Removal of Tea, or otherwise to the internal Management of Tea by the Commissioners of Excise, after the Duties of Importation on the same shall have been paid, and after the same has been delivered out of the Charge of the Officers of the Customs.

Importation of
Tea to be under
Management of
Commissioners
of Customs, but
Acts done by
Excise to be
legal

Licences to sell
Tea, and Per-
mits, not to be
affected.

VII. And be it further enacted, That it shall be lawful for the Lords Commissioners of His Majesty's Treasury, by any Warrant

Treasury may
discontinue
Permits for Tea

	Cap.	Relating to-
Assessed Taxes, Compositions for, continued to 5th April 1835	34.	G.B.
— on Dwelling Houses, reducing certain, and repealing others	39.	G.B.
Assizes, Appointment of convenient Places for holding	71.	E.
Associations (dangerous), Suppression of	4.	I.
Attornies Clerks, annual Indemnity Act for Persons omitting to make and file Affidavits of the Execution of Indentures of	7.	U.K.

B.

Bank of England, giving the Governor and Company of, certain Privileges for a limited Time	98.	E.
Bankruptcy Court, authorizing His Majesty to give further Powers to the Judges of, and to direct the Times of their sitting	47.	E.
Banks issuing Promissory Notes payable on Demand, compelling, to make Returns of Notes in Circulation, and to authorize Banks to issue Notes payable in London for less than £50	83.	E.
Beer, amending Laws relating to the Retail Sale of	68.	I.
Buckingham Palace, authorizing the Application of Part of the Land Revenue of the Crown for providing Fixtures, &c. for	81.	E.
Burghs enabled to establish a general System of Police	46.	S.
— providing for the Appointment and Election of Magistrates and Councillors for the several Burghs and Towns now returning or contributing to return Members to Parliament, not being Royal Burghs	77.	S.
— (Royal), altering and amending Laws for the Election of the Magistrates and Council of	76.	S.

C.

Chancery (Court of), to provide for the Performance of the Duties of certain Offices connected with, which have been abolished	84.	E.
— regulating the Proceedings and Practice of certain Offices of	94.	E.
Children, regulating the Labour of, in Mills and Factories	103.	U.K.
China, regulating the Trade to	93.	U.K.
Cholera (Spasmodic or Indian), continuing Two Acts for the Prevention of	75.	E. & S.
Church Rate, exempting all Churches, Chapels, and other Places of Religious Worship from	30.	E.
Church Temporalities, altering and amending the Laws relating to	37.	I.
Cider, amending Laws relating to the Retail Sale of	68.	I.
Civil List Revenues, providing for the Payment of certain ancient Grants and Allowances formerly paid out of	86.	U.K.
Clergymen (Roman Catholic), repealing certain penal Enactments against, for celebrating Marriages contrary to the Provisions of certain Acts	102.	I.
Colonies (British), Regulation of the Trade of	59.	U.K.
— Abolition of Slavery throughout	73.	U.K.

Hands of any Two or more, as declares or enacts that any Roman Catholic Clergyman requiring and issuing shall celebrate any Marriage between Two Protestants or re- and establish any Protestants, or between a Protestant or reputed Protestant of Customs or a Roman Catholic, shall be guilty of Felony, and suffer Death shall, after the Death of a Felon, without Benefit of Clergy or of the Statute, or as the Security of the Law, and declares that any Roman Catholic Clergyman who shall Actions so made nullify any Marriage between Two Protestants, or between any as if the same Protestant and Papist, unless such Protestant and Papist shall and enforced in like manner, been first married by a Clergyman of the Protestant Religion, Actions of Customs or forfeit the Sum of Five hundred Pounds to His Majesty upon or enforced under a conviction thereof, shall from and after the passing of this Act be great relating to be sealed, and that so much and such Parts only of the said recited Copies of such Laws are hereby repealed.

riages between Protestants, &c. repealed.

II. Provided always, and be it enacted, That nothing herein con- CAP. CII. nced shall extend to any Proceeding, Criminal or Civil, com- in Penal Enact- menced before the passing of this Act; and that nothing herein tained shall be construed to repeal so much of any of the said recited Acts as expressly or by Implication repeals any former Act against Roman Acts, nor to revive or recognize any Enactment as being in force Marriages over t the Time of the passing of this Act which by any Act heretofore made was expressly or by Implication repealed or altered.

Nothing herein to extend to any former Proceedings, nor to affect any of the recited Acts that repeal former Acts.

III. And be it further enacted, That nothing in this Act shall extend or be construed to extend to the giving Validity to any Mar- riage Ceremony in *Ireland*, which Ceremony is not now valid under the existing Laws, or to the Repeal of any Enactments now in force for preventing the Performance of the Marriage Ceremony by degraded Clergymen.

Act not to give Validity to any Ceremony not now valid, &c.

CAP. CIII.

An Act to regulate the Labour of Children and young Persons in the Mills and Factories of the United Kingdom.

[29th August 1833.]

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WHEREAS it is necessary that the Hours of Labour of Chil- dren and young Persons employed in Mills and Factories should be regulated, inasmuch as there are great Numbers of Children and young Persons now employed in Mills and Fac- tories, and their Hours of Labour are longer than is desirable, due Regard being had to their Health and Means of Education: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Tem- poral, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of January One thousand eight hundred and thirty-four no Person under Eighteen Years of Age shall be allowed to work in the Night, (that is to say,) between the Hours of Half past Eight o'Clock in the Evening and Half past Five o'Clock in the Morning, except as herein-after provided, in or about any Cotton, Woollen, Worsted, Hemp, Flax, Tow, Linen, or Silk Mill or Factory, wherein Steam or Water or any other mechanical Power is or shall be used to propel or work the Machinery in such Mill or Factory, either in scutching, carding, roving, spinning, piecing, twisting, winding, throwing, doubling, netting, making Thread, dressing or weaving of Cotton, Wool, Worsted, Hemp, Flax, Tow, or Silk, either separately or mixed, in any such Mill or Factory situate in any

Persons under 18 Years of Age not allowed to work at Night in the Mills or Factories herein described.

‘ as a Bonus to the Persons liable to the Payment of such Compositions, but in some Cases such Persons may be the same Persons by whom such Arrears of Tithes may have been incurred, and it is not just that any Bonus should be afforded to such Persons;’ be it therefore enacted, That whenever the Person liable to the Payment of the Addition to any Composition payable therewith by the Provisions of this Act shall appear by any such amended Memorial and Schedule and Account as aforesaid to owe any Sum for or on account of any Tithes included therein, such Person shall, over and above such Composition and the Addition payable therewith, be bound to pay on each Occasion of paying such Addition such Sum as shall be equal to Twenty-five Pounds *per Centum* on the Fifth of the Arrears of Tithe due by such Person for the Years One thousand eight hundred and thirty-one and One thousand eight hundred and thirty-two, and Fifteen *per Cent.* on the Fifth of the Arrears of Tithe due by him for the Year One thousand eight hundred and thirty-three; and such Sum, calculated as aforesaid, shall be deemed and taken to be Part of such Compensation, and recoverable as well as the said Addition therewith.

2&3W.4.c.119. XXVII. ‘ And whereas an Act was passed in the last Session of Parliament, intituled ‘ *An Act to amend Three Acts, passed respectively in the Fourth, Fifth, and in the Seventh and Eighth Years of the Reign of His late Majesty King George the Fourth, providing for the Establishment of Compositions for Tithes in Ireland, and to make such Compositions permanent*, whereby it was among other things enacted, that it should be lawful for any Person having in possession any Estate or Interest in Land charged or which may become chargeable with the Payment of any Composition for Tithes, such Person not being a Tenant for any lesser Term than a Term of Twenty-one Years from the Commencement thereof, and any such Person was thereby empowered and entitled to agree for and undertake the Payment of such Composition, on the Terms and in the Manner and subject to the Preference and other Regulations in the said recited Act of the last Session of Parliament contained: And whereas it was by the said last-recited Act further enacted, that the chief Landlord or Lessor seised of any Rent and Reversion in Land charged or which might become chargeable with any such Composition for Tithes should be entitled to agree for and undertake the Payment of such Composition in preference to all other Persons whatsoever, provided that such chief Landlord or Lessor should signify, in manner by the said last-recited Act provided and appointed, his Desire so to do within Six Calendar Months next after the passing of the said last-recited Act: And whereas the Period by the said last-recited Act limited for the Preference of such chief Landlords or Lessors has expired, and it is expedient that further Time should be given to allow such chief Landlords or Lessors to take upon them the Payment of such Compositions;’ be it therefore enacted, That the chief Landlord or Lessor seised of any Rent or Reversion in Land charged or which may become chargeable with any Composition for Tithes shall be entitled to agree for and undertake the Payment of such Composition on the Terms and in the Manner and subject to the Regulations in the said last-recited Act contained, in preference to all other Persons whatsoever, provided

Chief Landlord or Lessor of Lands chargeable with Composition for Tithes entitled to undertake Payment of same in Terms

vided that such chief Landlord or Lessor shall signify, in manner by the said last-recited Act appointed, his Desire so to do within Twelve Calendar Months next after the passing of this Act: Provided always, that from and after the Expiration of the Period hereby limited for the Preference of such chief Landlords or Lessors it shall and may become lawful for Persons having Estates or Interests derived under such chief Landlords or Lessors, and not being Tenants for any lesser Term than a Term of Twenty-one Years from the Commencement thereof, to agree for and undertake the future Payment of such Compositions, on the Terms, and in the Manner, and subject to the Preference among each other, and to the other Regulations in the said recited Act contained; and provided further, that nothing herein contained shall extend to disturb or invalidate any Agreement or Undertaking for the Payment of such Compositions which may have been entered into before the passing of this Act by any inferior Landlord or Lessor, nor to entitle any superior Landlord to any Preference in such Cases: Provided always, that if such chief Landlord or Lessor as aforesaid shall by Writing under his Hand and Seal renounce his Right to the said Preference hereby given, then it may and shall be lawful for any other Lessor to serve a Notice, and undertake the Duty and Obligation and Liability to Payment, as he could have done by the said recited Act or this Act if the said Twelve Months had expired.

of recited Act, in preference to others, provided he shall signify his Desire within 12 Months after passing of this Act.

Existing Contracts made by inferior Tenants not to be disturbed.

XXVIII. And be it further enacted, That the Receipt of Rent, or the Production of any Lease made by any Person claiming any Preference under the said recited Act or this Act, shall be *prima facie* Evidence of the Estate or Interest of such Person, and that it shall not be necessary for any such Person to produce the Deed, Grant, Conveyance, or Instrument creating such Estate or Interest; any thing in the said recited Act contained to the contrary notwithstanding, unless in the Case of any Dispute as to such Right of Preference being referred to a Master of the Court of Chancery, in manner by the said Act provided, and in such Case such Master shall be at liberty to require the Production of such Deed, Grant, Conveyance, or Instrument, or to receive such other Evidence of the Title and Interest of such Person as to him shall seem fit.

Production of Title Deeds dispensed with.

XXIX. And be it further enacted, That when any Composition in any Parish shall have been ascertained and fixed by a sole Commissioner nominated by the said Lord Lieutenant, pursuant to the said recited Act of the Second Year of His present Majesty's Reign, it shall and may be lawful for any Seven or more Persons in such Parish, qualified in like Manner as Persons authorized to proceed in execution of the Acts for the establishing of Compositions for Tithes in *Ireland* at any Special Vestry called in such Parish are by such Acts required to be qualified, at any Time within Two Calendar Months after the passing of this Act, to require the Churchwardens of such Parish to summon a Special Vestry for the Purpose of considering the Propriety of appealing against the Composition so established in such Parish, on the Ground of the Amount of such Composition; and such Churchwardens shall cause public Notice to be given in the usual Manner of giving Notices for holding Vestries that a Special Vestry of Persons qualified according to the Directions of the said recited Acts

Appeal against Compositions made under Act of last Session on Ground of Excess in the Amount.

will

will be holden on some Day to be named in such Notice, being not less than Seven Days nor more than Fourteen Days from the first Publication thereof, for the Purpose aforesaid; and such Vestry so assembled shall take such Composition into consideration, and may adjourn from Time to Time to any Day or Days not more than Ten Days distant from the first Day of meeting; and if at such Vestry or any Adjournment thereof it shall be determined to appeal against the Composition established in such Parish, such Appeal shall be made to the said Lord Lieutenant in Council, in the Name of such Vestry, on behalf of such Parish; and the Grounds of such Appeal shall be stated in Writing, and signed by the Chairman of such Vestry, and transmitted by him to the Clerk of the Privy Council within Two Days after such Meeting; and it shall be lawful for the said Lord Lieutenant and Council to entertain every Appeal so lodged as aforesaid, and for the Determination thereof to examine into the Nature of the Agreements and Adjudications or other Evidence upon which such Composition may have been calculated, and with regard thereto, at their Pleasure and Discretion, to make such Order for the decreasing the Amount of the Composition stated in the Certificate thereof as to such Lord Lieutenant and Council shall seem fitting; and such Certificate, and the Amount of the Composition ascertained thereby, and the Entry of such Certificate in the Registry of the Diocese, shall be altered and amended in such Manner as shall be directed by such Lord Lieutenant and Council.

Privy Council
may refer
Appeal to
Judge of Assize
or Assistant
Barrister for his
Report.

XXX. Provided, and be it enacted, That it shall and may be lawful for such Lord Lieutenant and Council, if they shall so think fit, to refer the Matter of such Appeal to the next going Judge of Assize or to the Assistant Barrister of the County in which the Parish shall be situate to which such Appeal shall relate, with such Directions as to his Proceeding therein as to them shall seem meet; and such Judge or Assistant Barrister shall, according to such Directions, inquire in open Court into the Matter of such Appeal, and report thereon to the said Lord Lieutenant and Council, who shall, upon due Consideration of such Report, make such Order in respect of the Amount of such Composition so appealed against as to them shall seem fit; and the Certificate and Entry thereof, and Book of Applotment, shall be amended as aforesaid, agreeably to such Order.

If Certificate of
Composition
not yet laid
before Special
Vestry to be
held for Consideration thereof,
such Vestry
when assembled
may decide on
Appeal under
this Act as well
as under former
Acts.

XXXI. Provided always, and be it enacted, That wherever the Certificate of such sole Commissioner, ascertaining and fixing the Amount of any such Composition, shall not have been received by the Churchwardens of any Parish within One Calendar Month after the passing of this Act, then and in such Case the Propriety of appealing against such Composition on the Ground herein-before mentioned shall be determined upon at the Special Vestry to be holden, under the Provisions of the said recited Acts for establishing Compositions for Tithes in *Ireland*, for the Consideration of such Certificate; and it shall be lawful for such Vestry to direct that Appeal shall be made against such Certificate on the Ground herein-before mentioned, as well as on account of any thing contained in such Certificate or omitted therefrom to the Prejudice of such Parish, as by the said Acts provided; and in such Case it shall not be lawful to hold any second Special Vestry for the Consideration

tion

tion of the Propriety of appealing against such Composition on the Ground herein-before mentioned; any thing herein contained to the contrary notwithstanding.

XXXII. And be it enacted, That on the Hearing and Decision of any Appeal which may be made under the Provision of this Act against any Composition established by any sole Commissioners as aforesaid, such Costs as the said Lord Lieutenant, with the Advice and Consent of the said Privy Council, shall think fit to adjudge and direct, shall be paid to or by any Party appealing or appealed against.

Costs on Appeal.

XXXIII. Provided, and be it further enacted, That no Proceeding shall be taken upon any Application for Relief under this Act in any Case where any Tithes payable under a Composition shall be included in the Memorial of the Applicant, until the Periods by this Act and the said recited Acts for establishing Compositions for Tithes respectively limited for making Appeal against such Composition shall have expired; and in any Case in which such Appeal shall be made all such Proceedings upon such Application shall be suspended until the Determination thereof; and upon such Determination the Memorial and Schedule by which such Application may have been made shall, if need be, be transmitted to the Memorialist, to be by him amended and returned to the said Lord Lieutenant and Council, if he shall so think fit; and upon the Return of any such Memorial and Schedule all such Proceedings as by this Act directed in respect of any Application for Relief thereunder shall and may be taken in respect thereof, although the Time limited by this Act for the making Applications for Relief thereunder shall have expired: Provided always, that such Memorial and Schedule shall be returned within Six Weeks, after the same shall have been so transmitted to the Memorialist.

Pending Appeal, Proceedings for Relief under this Act suspended.

XXXIV. And be it further enacted, That whenever, upon any Appeal made under this Act or any of the Acts in force for establishing Compositions for Tithes in *Ireland*, the Lord Lieutenant and Council shall make Order for altering the Amount of any Composition or Apportionment thereof, such Order shall relate to and take effect from such Time as such Lord Lieutenant and Council shall think fit to declare; and the Book of Applotment shall in all such Cases be altered and amended as such Lord Lieutenant and Council shall direct.

If Amount of Composition altered, Book of Applotment to be altered also.

XXXV. 'And whereas by the Acts now in force in *Ireland* for the establishing Compositions for Tithes such Compositions are payable by Two equal half-yearly Payments, one on the First Day of *May* and one on the First Day of *November* in each Year, and it is expedient that such Compositions should be made payable by One yearly Payment on the First Day of *November* in every Year;' be it therefore enacted, That so much of the said Acts as authorizes or directs the Collection or Levy of such Compositions by Two equal half-yearly Payments, the one whereof to become due on the First Day of *May* and the other on the First Day of *November* in each and every Year, shall be repealed, and that the Amount of such Compositions shall be collected and levied by One yearly Payment which shall become due on the First Day of *November* in each and every Year, and which shall and may be recovered by all

Tithe Composition shall be henceforth payable by One yearly Payment on the 1st Day of *November* in each Year.

Lord Lieutenant may order Advance of Money not exceeding 200*l.* from Consolidated Fund for executing this Act in any County; to be repaid by Grand Jury Presentment.

such Ways and Means as by the said recited Acts provided for the Recovery of any such half-yearly Payment as aforesaid.

XXXVI. And be it further enacted, That it shall and may be lawful for the said Lord Lieutenant to order and direct that any such Sum or Sums of Money as he shall think necessary shall from Time to Time be advanced out of the Produce of the Consolidated Fund arising in *Ireland* for the defraying of any Expences to be incurred in the carrying this Act into execution, not exceeding the Sum of Two hundred Pounds for carrying the same into execution in any one County; and that all such Advances shall be made to such Persons, at such Times, in such Manner, and under such Rules and Regulations, as shall from Time to Time be ordered and directed by such Lord Lieutenant, and as shall be signified in the usual Manner by the Chief Secretary of such Lord Lieutenant, or in his Absence by the Under Secretary; and that a Certificate of the Amount of the Money so advanced for carrying this Act into execution in each County, under the Hand of such Chief Secretary or Under Secretary, shall be sent to the Treasurer of the County for which such Money shall have been so advanced; and such Treasurer shall lay such Certificate before the Grand Jury of such County at the next Assizes; and such Grand Jury shall and they are hereby required to present the Amount stated in such Certificate to be raised off such County in the same Manner as any Money presented by any Grand Jury may by Law be raised therefrom; and it shall not be lawful for the Court at any such Assizes to fiat any Presentment for raising any other Money until such Presentment for the Repayment of such Advances be first made and allowed; and whenever the Amount stated in such Certificate shall be levied, the same shall be paid over to the Collector of Excise of the District (or in such other Manner as the Commissioners of the Treasury shall direct), and the Monies so arising shall be applied to replace the Sums so advanced out of the said Consolidated Fund.

Lord Lieutenant may appoint Barristers of Six Years standing to preside at Special Sessions under this Act.

XXXVII. And be it further enacted, That it shall be lawful for the said Lord Lieutenant of *Ireland*, at his Discretion, to appoint, by Warrant under his Hand, for the Duty of presiding at the Special Sessions to be held under the Provisions of this Act in any County, any Barrister or Barristers of not less than Six Years standing at the *Irish* Bar, to be Assistant to or Deputies of the Assistant Barrister or Chairman; and that all the Powers, Duties, and Authorities given or imposed by this Act to or upon any Assistant Barrister or Chairman are and shall be by virtue of such Warrant given to and imposed upon such Assistants or Deputies; and that all Acts to be done by such Deputies or Assistants shall be of the same Efficacy in Law as if done by the Assistant Barrister or Chairman upon whom such Duties would have otherwise devolved under this Act; and that all such and the like Fees as would have been payable to any such Assistant Barrister or Chairman at any Special Sessions under the Provisions of this Act shall be paid and payable, for his own Use, to the Deputy or Assistant who may by virtue of such Warrant preside at such Special Sessions; and it shall and may be lawful for the said Lord Lieutenant to grant to any Barrister acting under any such Warrant such Remuneration, in addition to the Amount of Fees so received by him,

as such Lord Lieutenant shall think fit, but so that the Amount of such Fees, together with such additional Remuneration, shall not in the whole exceed Five Guineas for each Day during which he may be so employed, over and above his travelling or other Expences; and every such Barrister, after the Termination of his last Sitting, shall lay or cause to be laid before the said Lord Lieutenant a Statement of the Amount of such Fees, and of the Number of Days during which he shall have been employed, and an Account of the travelling and other Expences incurred by him in respect of such Employment, and such Lord Lieutenant shall make an Order for the Amount to be paid to such Barrister out of the Consolidated Fund.

XXXVIII. And be it further enacted, That no Stamp Duty shall be paid or chargeable upon any Proceeding, Order, Copy, Instrument, Document, Receipt, or other Matter or Thing occurring, used in, or occasioned by any Proceeding under this Act; any other Act or Acts, or any Law or Usage, to the contrary hereof notwithstanding.

All Proceedings under this Act exempt from Stamp Duty.

XXXIX. And be it further enacted, That if any Person or Persons who shall make or take any Oath or Affidavit under or in pursuance of the Provisions of this Act, and therein wilfully or knowingly swear or answer falsely to any Matter or Thing, every such Person, being duly convicted thereof, shall incur and suffer such Penalties, Pains, and Disabilities as Persons convicted of wilful and corrupt Perjury are by Law liable to.

Persons who swear falsely shall suffer as for Perjury.

XL. And be it enacted, That the Words "Lord Lieutenant" or "Lord Lieutenant of Ireland," wheresoever used in this Act, shall extend to and include any Lords Justices or other Chief Governor or Governors of *Ireland* for the Time being; and the Words "Commissioners of the Treasury" shall be construed to mean any Three or more of such Lords Commissioners of His Majesty's Treasury, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland*, and whenever such Officer there shall be; and the Words "any Person entitled to any Tithes" shall be construed to extend to and include all Ecclesiastical Persons, and Bodies Corporate, Sole, or Aggregate, Lay or Ecclesiastical or Collegiate, and all Incumbents of Parishes, whether Rectors, Vicars, or Curates, and all Impropriators and Appropriators, and every Person or Persons whomsoever being the Owner or Owners of or entitled in any Manner whatsoever, at Law or in Equity, in his, her, or their own Right, or as Trustees, Devisees, Personal Representatives, Lessees, or otherwise, to any Tithes or Portion or Portions of Tithes, or Composition established in lieu of Tithes, or Portion or Portions of such Composition; and the Word "Tithes" shall extend and be applied to any Composition for Tithes or Portion of Tithes, or Portion of a Composition for Tithes, as well as to Tithes; and the Word "Composition" shall extend and be applied to any Portion or Portions of a Composition as well as to a Composition; and the Word "County" shall extend and be applied to any Riding, County of a City, or County of a Town as well as a County at large; and the Word "Parish" shall extend and be applied to any Extra-parochial Place or Places separately chargeable with any Composition for Tithes as well as to a Parish; and wheresoever the Word "Landlord" or "Person" or "Memorialist" is used in this Act,

Interpretation of Words and Expressions in this Act.

the Provision shall extend to and include the Heirs, Executors, Administrators, or Assigns of such Landlord or Person or Memorialist; and every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing, and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male, save and except where in the Use of any of the Words or Expressions aforesaid the Nature of the Provision or the Context shall exclude such Construction.

Act may be altered this Session.

XLJ. And be it enacted, That this Act may be amended, altered, or repealed by any Act or Acts to be passed in the present Session of Parliament.

CAP. CI.

An Act to provide for the Collection and Management of the Duties on Tea. [29th August 1833.]

‘WHEREAS the exclusive Right of trading in Tea now enjoyed by the United Company of Merchants of *England* trading to the *East Indies* will on the Twenty-second Day of *April* One thousand eight hundred and thirty-four terminate, and it is therefore necessary to make further Provisions for the Regulation of the Trade in Tea and the Duties payable thereon, and to transfer the Management of the said Duties from the Commissioners of Excise to the Commissioners of Customs;’ be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty-second Day of *April* One thousand eight hundred and thirty-four it shall be lawful to import any Tea into the United Kingdom from the *Cape of Good Hope* and from Places Eastward of the same to the *Straits of Magellan*, and not from any other Place, in such and the like Manner as if the same were set forth in an Act passed in the present Session of Parliament for the general Regulation of the Customs.

Tea importable into the United Kingdom from the Cape of Good Hope and Places Eastward thereof.

Tea importable into British Possessions, &c. from Cape of Good Hope, &c.

II. And be it further enacted, That it shall be lawful to import any Tea into any of the Islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, or into the *British Possessions of America*, from the *Cape of Good Hope* and Places Eastward of the same to the *Straits of Magellan*, or from the United Kingdom, and not from any other Place, in such and the like Manner as if the same were set forth in an Act passed in the present Session of Parliament to regulate the Trade of the *British Possessions Abroad*.

Duties.

III. And be it further enacted, That from and after the Twenty-second Day of *April* One thousand eight hundred and thirty-four the Duties of Excise payable upon Tea in the United Kingdom shall cease and determine, except as hereafter provided, and that in lieu of such Duties there shall be paid the several Duties of Customs as the same are set forth in the Table following; and such Duties shall be raised, levied, collected, and paid unto His Majesty, and shall be appropriated and applied in like Manner as if the same had been imposed by an Act passed in the present Session of Parliament for granting Duties of Customs; (that is to say,)

TABLE

TABLE OF DUTIES ON TEA in WAREHOUSE, or IMPORTED into the
UNITED KINGDOM :

Tea : <i>videlicet</i> ,		£	s.	d.
— Bohea	- - - the Pound	-	1	6
— Congou, Twankay, Hysonskin, Orange Pekoe, and Campoi,	- - - the Pound	-	2	2
— Souchong, Flowery Pekoe, Hyson, Young Hyson, Gunpowder, Imperial, and other Sorts not enumerated	- - - the Pound	-	3	0

Provided always, that nothing herein contained shall alter or affect the Duties payable upon Tea which shall have been sold by the *East India Company* at their public Sales prior to the said Twenty-second Day of *April* One thousand eight hundred and thirty-four: Provided also, that the Allowance commonly called Draft now made by the Commissioners of Excise in the weighing of Tea shall be made by the Commissioners of Customs under the Authority of this Act.

Not to affect
Tea sold before
22d April 1834.

Allowance of
Draft.

IV. And be it further enacted, That no Abatement of Duty shall be made on account of Damage received by any Tea during the Voyage; but it shall be lawful for the Importer to separate the damaged Parts, and to abandon the same to the Commissioners of the Customs for the Duty.

Abatement for
Sea Damage
not to be
allowed.

V. And be it further enacted, That if different Sorts of Tea mixed together be imported in the same Package, the whole shall be liable to the highest Rate of Duty to which any of such Sorts would be separately liable; and if Two or more Sorts of Tea not perfectly mixed together be imported in One Package, the same shall be forfeited, and shall and may be seized, sued for, recovered, and dealt with in the same Manner as any Forfeiture incurred under any Law relating to the Customs.

Mixed Tea
liable to highest
Duty.

Two Sorts in
same Package,
not mixed, to be
forfeited.

VI. And be it further enacted, That from and after the passing of this Act it shall be lawful for the Lords Commissioners of His Majesty's Treasury, by any Warrant under the Hands of any Three or more of them, to order and direct that the Importation of Tea and the Duties thereon shall be under the Management of the Commissioners of Customs instead of the Management of the Commissioners of Excise, and from and after the Time specified in any such Warrant the same shall be transferred accordingly: Provided always, that until the Transfer of such Management and of the Custody of Tea in Warehouse shall have been fully made under the Directions of the Lords Commissioners of His Majesty's Treasury, any Act, Matter, or Thing done or performed by, to, or with the Commissioners of Excise or their Officers shall have the same Effect in Law as if the same had been done or performed by, to, or with the Commissioners of the Customs or their Officers under the Authority of this Act; but nothing herein-before contained shall extend to alter or affect any Law of Excise relating to Licences for the Sale of Tea, or relating to Permits for the Removal of Tea, or otherwise to the internal Management of Tea by the Commissioners of Excise, after the Duties of Importation on the same shall have been paid, and after the same has been delivered out of the Charge of the Officers of the Customs.

Importation of
Tea to be under
Management of
Commissioners
of Customs, but
Acts done by
Excise to be
legal

Licences to sell
Tea, and Per-
mits, not to be
affected.

VII. And be it further enacted, That it shall be lawful for the Lords Commissioners of His Majesty's Treasury, by any Warrant

Treasury may
discontinue
Permits for Tea

and other
Goods, and
substitute other
Regulations.

or Order under the Hands of any Two or more of them, to discontinue the Practice of requiring and issuing Permits for the Removal of Tea, and to make and establish any other Rules, Regulations, and Restrictions, either of Customs or Excise, in lieu of such Practice, as to them shall, after the Discontinuance of the same, appear necessary for the Security of the Revenue; and all Rules, Regulations, and Restrictions so made and established shall have the Force of Law as fully as if the same were embodied in this Act, and shall be obeyed and enforced in like Manner as any Rules, Regulations, and Restrictions of Customs or of Excise respectively are or can be obeyed or enforced under the Provisions of any Act or Acts of Parliament relating to the Customs or to the Excise respectively; and Copies of such Rules, Regulations, and Restrictions shall be laid before Parliament.

CAP. CII.

An Act to repeal certain penal Enactments made in the Parliament of *Ireland* against Roman Catholic Clergymen for celebrating Marriages contrary to the Provisions of certain Acts made in the Parliament of *Ireland*.
[29th August 1833.]

‘ WHEREAS Roman Catholic Clergymen were by certain Acts of the Parliament of *Ireland* rendered liable to Punishment, Pains, and Penalties for celebrating Marriages contrary to the Provisions thereof, to which Punishment, Pains, and Penalties no other Clergymen or Ministers are liable: And whereas it is expedient to amend the Law in this respect:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the following Acts made in the Parliament of *Ireland*, (that is to say,) of an Act passed in the Sixth Year of the Reign of Queen *Anne*, intituled *An Act for the more effectual preventing the taking away and marrying Children against the Will of their Parents or Guardians*; also of an Act passed in the Twelfth Year of the Reign of King *George* the First, intituled *An Act to prevent Marriages by degraded Clergymen and Popish Priests, and for preventing Marriages consummated from being avoided by Pre-contracts, and for the more effectual preventing of Bigamy*; also of an Act passed in the Twenty-third Year of the Reign of King *George* the Second, intituled *An Act for explaining and making more effectual an Act, intituled ‘ An Act for the more effectual preventing clandestine Marriages;’* and another Act passed in the Twelfth Year of His late Majesty’s Reign, intituled *An Act to preventing Marriages by degraded Clergymen and Popish Priests, and for preventing Marriages consummated from being avoided by Pre-contracts, and for the more effectual punishing of Bigamy*; also of an Act passed in the Thirty-third Year of the Reign of King *George* the Third, intituled *An Act for the Relief of His Majesty’s Popish or Roman Catholic Subjects of Ireland*, as contains any penal Enactment which exclusively affects a Roman Catholic Clergyman celebrating Marriage between any Persons, knowing them or either of them at the Time of such Marriage to be of the Protestant Religion,

So much of the
Acts herein
named of
6 Ann. (I.)

12 G. 1. (I.)

23 G. 2. (I.)

12 G. 3. (I.)

33 G. 3. (I.)
as makes it
Felony for
Roman Catholic
Clergymen to
celebrate Mar-